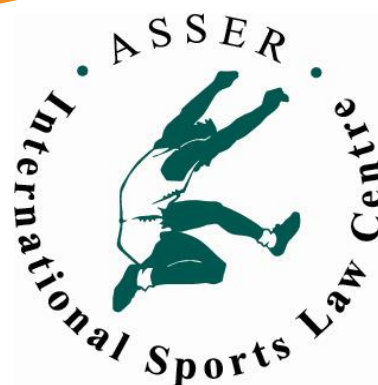




Study on risk assessment and management and prevention of conflicts of interest in the prevention and fight against betting-related match fixing in the EU 28

Final Report

July 2014



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**Study on
risk assessment and management
and prevention of
conflicts of interest
in the prevention
and fight against
betting-related match fixing
in the EU 28**

T.M.C. Asser Instituut / Asser International Sports Law Centre

July 2014



EUROPEAN COMMISSION
Directorate-General for Education and Culture
Directorate Youth and Sport
Unit Sport

This report has been prepared by the T.M.C. Asser Instituut (Asser International Sports Law Centre) for the European Commission, DG Education and Culture.

The research team consisted of Prof. Dr. Jack Anderson (Queen's University Belfast) (team leader), Antoine Duval, Prof. Dr. Ben Van Rompuy, Marco van der Harst, and Dr. David McArdle. Further research assistance was provided by Frédérique Faut and Giandonato Marino.

Annex I lists the national correspondents who also have contributed to this study.

The views expressed in this study are those of the authors and do not necessarily reflect the official opinion of the European Commission. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.

ABSTRACT

This report concerns the provisions and practices on betting-related match fixing in sports within the 28 Member States. Carried out in late 2013/early 2014, respondents in each Member State reported on that state's gambling-related provisions in respect of football and tennis and (in each country) a third sport determined on the basis of either its popularity (in terms of participation or television viewing) or the existence of betting-related "scandals" in that sport within that particular jurisdiction. Those reports helped the authors to compare the Member States' regulatory and self-regulatory frameworks relating to risk assessment and conflict of interest management, with a view to indicating areas of best practice, identifying particularly good legislative frameworks and highlighting areas where change was either desirable or necessary. While some individual Member States have legislation which might provide templates that others could adapt for their own use, the authors were not convinced that "more law", whether at the national or European level, was desirable. Rather, more effective cooperation among the stakeholders was identified as being more likely to provide tangible benefits than would new legal frameworks.

RÉSUMÉ ANALYTIQUE

Ce rapport concerne la réglementation et l'évaluation des risques de manipulations des compétitions sportives liées à des conflits d'intérêts relatifs à des paris sportifs au sein des 28 Etats membres. Il a été réalisé fin 2013/ début 2014, sur la foi de questionnaires distribués aux autorités publiques compétentes et à des correspondants sélectionnés par l'équipe de recherche. Les autorités publiques étaient encouragées à préciser la réglementation en vigueur dans chaque Etat membre, tandis que les correspondants ont renseigné l'existence et la nature de l'autorégulation des conflits d'intérêts par les fédérations sportives nationales au sein de trois sports (football, tennis et un troisième sport déterminé en fonction du contexte national). Ces rapports nous ont permis d'élaborer une étude comparée des différentes règles en vigueur en matière de gestion des conflits d'intérêts liés aux paris sportifs. De cette comparaison nous avons dégagé un certain nombre de bonnes pratiques, nous permettant de suggérer de possibles améliorations du cadre réglementaire au sens large. Bien que certains Etats disposent d'une réglementation qui puisse servir de patron dans d'autres contextes nationaux, nous ne sommes pas convaincus de la nécessité d'une inflation législative dans ce domaine, que ce soit au niveau national ou européen. Au contraire, une coopération renforcée entre les différentes parties intéressées est plus susceptible d'aboutir à des résultats tangibles dans la lutte contre les conflits d'intérêts liés aux paris sportifs et à la manipulation des compétitions sportives.

EXECUTIVE SUMMARY

The objective of this study was to map the provisions and practices governing risk assessment / management and conflict of interest prevention in the 28 EU Member States within the context of concerns over against betting-related match fixing in sports. At its most basic, “risk assessment” means assessing the possibility that the outcome of a game or competition, or particular aspects of that game or competition, will be manipulated for betting purposes and financial advantage. We would note at the outset that greater consistency and transparency of the criteria used in the betting monitoring industry as to the identification of “irregular” betting patterns which trigger an obligation to report to the relevant sports body would assist greatly in safeguarding against match fixing is clearly a necessary and pressing need. We also note that the setting of industry standards inevitably demands the involvement of all relevant stakeholders - sport, the betting industry, national regulators and law enforcement agencies.

As would be expected, the rules and practices currently existing within individual Member States reflected their particular national context regarding cultural, moral and economic views of gambling and betting, and these vary significantly across the EU. These national differences necessarily preclude an EU-wide legal regime that could operate consistently in all Member States. However, two key observations of general applicability can be made. First, it is too early to comment on the extent to which Member State provisions, jointly and individually, are an adequate response to the perceived current match fixing “crisis” in sport, not least because of the impossibility in ascertaining the extent to which that “crisis” genuinely exists (we would caution against making global generalisations on the basis of high-profile discrete incidents in such sports as snooker, cricket and tennis). Second, in several Member States the current legislation was enacted long before the huge technological changes which have facilitated developments in online and remote gambling: as with many fields where law and technology collide, the regulation of online gambling is an area where the former lags several years behind the latter.

If one were minded to seek a template for a legal framework that could be adopted by all Member States, then the models developed in France and the United Kingdom would appear to be the most “comprehensive” in the sense of covering both risk assessment / management and preventing conflicts of interests, and both appear to incorporate realistic means of monitoring, enforcing compliance, and sanctioning breaches. But in addition to the difficulties outlined above both models place significant demands on the national gambling regulator. There are clear resource implications for the public purse and there are strong arguments that such provisions should not be publically-funded. Rather than investing too much power and resources in a single regulatory entity, a better approach might be to note how good practices across the EU 28 tend to be collaborative projects which incorporate formal means of dialogue and cooperation between

sports governing bodies, betting companies, gambling regulators and the regulator and other law enforcement authorities.

With that in mind, the best examples of good practice all seem to have four shared features. First, betting companies and sports bodies agree to share information and intelligence on suspicious betting patterns. Second, a commitment to a similar information-sharing arrangement between betting companies and national gambling regulators is one of the conditions of the licence granted to that betting operator (this can be accompanied by regulators reserving the right to veto the offering of certain types of bets). Third, the information gathered is analysed by a sports betting integrity unit attached to the national gambling regulator. Fourth, there is a clear process for determining whether there is any evidence of criminal activity. We would recommend this 4x4 approach (4 key partners; 4 elements of collaboration), funded by sports and the gambling industry rather than the public purse, as preferable other Member States attempting to incorporate something akin to the UK or French models in their national laws.

In the short term, we would recommend publication of documents and the creation of better web based facilities to support the sharing of information. It is rather surprising that this has not already happened. The former could consist of a publication similar to the match manipulation guidelines produced by FIFA at its 2014 Congress but including a directory of contact points throughout the EU. The latter could be based on Interpol's Integrity in Sport initiative, <http://www.interpol.int/Crime-areas/Integrity-in-Sport/Integrity-in-sport>, which contains risk assessment provisions helping sporting bodies to determine if their respective competitions are vulnerable to potential match fixing or other related betting market manipulations.

With regard to the athletes, widely-drawn contractual prohibitions are advantageous in terms of both the enforcement of associated disciplinary offences and also in terms of education. In respect of the former it must be noted that enforcement rates of sports specific corruption sanctions, and particularly of enforcing "conflict of interest" prohibitions against athletes appear to be extremely low (one is reminded here of the inconsistent enforcement of doping regulations in certain sports, especially pre-WADA). In some sports, the regulations have been usefully and inexpensively reinforced by the introduction of so-called Integrity Declarations (e.g. FIFA circular no. 1378, 16 August 2013) as a means of embedding awareness of and compliance against match fixing. With the explicit support of players' representatives and only after proper consultation, Integrity Declarations could be incorporated into employment contracts or participation contracts signed by professional sports participants and thus strengthen and clarify the legal basis for the pursuit of those involved in or facilitating match fixing. As regards the education of players, widely drawn conflict of interest bans are advantageous in the sense that the delivery of the educational training

and message to player can be equally straightforward. For example, the simple education message “never bet on football” is easily replicated in a contract term.

Similarly, “Conflict of Interest” regulations typically include provisions prohibiting players from passing on inside information to a third party who uses it for betting. Definitions of “inside information” vary according to sport but again the general principle is clear. Any information that is not generally or publically available and which, if it were so available, would be likely to influence the betting market on the relevant event is “inside information”. Enforcement of sanctions relating to such provisions appears low but the definition of a “third party” to whom a sports participant might advertently or inadvertently pass on inside information should be better considered (for a potential comparator, see the so-called “entourage” offences under the 2015 World Anti-Doping Code). Second, the evidence gathered in this study again indicates that the enforcement of provisions which place players under an express duty to report betting manipulation approaches are not extensively used. Subject to the same *caveat* before: athletes consultation and involvement, we would encourage greater use of “entourage” and “duty to report” provisions.

Whatever law and policy frameworks are adapted, proper collaboration between all partners is vital in order to risk assess integrity threats (prevention); to disrupt such threats (intervention); and where necessary apply the appropriate sanctions (including prosecution or civil sanctions if necessary) to those involved (deterrence). Finally, sporting and national agencies must also consider the wider context in which match fixing may occur. The prevention of money laundering activities by criminal syndicates, the protection of minors who might be groomed for illegal betting purposes and the wider social ills that inevitably accompany gambling are not “sport’s problem” alone; but it is sports’ responsibility to contribute as much as possible, financially and institutionally, to taming the societal problems stemming from the competitions it brings to life. This report emphasizes this by showing that match fixing is an ill, which can be combatted solely through systematic collaboration between the various actors at the transnational and national level. International Sports Governing Bodies need to make sure that their national members are taking match fixing seriously by *inter alia* vigilantly enforcing their conflict of interest provisions. Similarly, the European Commission needs to provide adequate guidance and support to Member States seeking to develop a successful strategy against match fixing, e.g. in order to strengthen their risk assessment and management capabilities.

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INTRODUCTION TO THE STUDY

I Background: betting-related match fixing

In mid April 1964, almost exactly 50 years ago, an English newspaper, the *Sunday People*, broke the story of self-confessed football “fixer” Jimmy Gauld. Gauld, a former professional player, had been involved for most of that decade in the rigging of games. An investigative journalist at the *Sunday People*, who broke numerous stories on match fixing in lower league football in England in the 1960s, eventually convinced Gauld to sell his story and turn from conspirator to informer. In that 1964 exclusive, Gauld revealed to the newspaper that three leading players, including two England internationals, were part of his betting ring to fix matches. The England internationals, Peter Swan and Tony Kay, were said to have bet on their own team - Sheffield Wednesday - to lose a match against Ipswich on 1 December 1962. Ipswich duly won the game and the conspirators were alleged to have won £ 100 each.

One year later, a court case followed the newspaper’s revelations and Swan and Kay were imprisoned for four months and initially banned from playing any officially recognised football for life. In total 33 people faced prosecution for match rigging and ultimately another eight players also received terms of imprisonment ranging from six months to four years.

Match fixing in English football was not unknown in the twentieth century. A half century previously, and just prior to conscription for World War I, a match between Manchester United and Liverpool was rigged with a 2-0 score line bet on heavily in advance by certain players and officials. Suspicions were raised when the crowd booed the obvious lack of effort on the pitch by the players. The subsequent investigation, which revealed the some players were motivated by the fact that the league was soon to be suspended for the war, again led to life bans for some of those involved.¹

Fifty years, almost to the day, after the Swan and Kay revelations in the *Sunday People*, the UK’s National Crime Agency announced that seven players from Football League clubs in north-west England had been arrested in connection with alleged spot fixing in matches. These arrests were made in conjunction with the re-arrest of six other men – including former Premier League player DJ Campbell – originally detained but later bailed in December 2013, again on suspicion of involvement in spot fixing but also in relation to allegations of bribery and money laundering. The National Crime Agency said that its ongoing investigation into the matter was based in part on material it had received from an investigation by the *Sun on Sunday* newspaper, which published allegations that players had not tried to fix the result of games but rather had corruptly influenced specific elements of match, namely by intentionally getting a yellow or red card, i.e. a spot fix.²

¹ For further detail on the 1915 and 1964 betting scandals in English football see generally S Inglis, *Soccer in the Dock: A History of British Football Scandals* (Willow, London 1985).

² “Seven Footballers Arrested in Spot-fixing Investigation”, BBC News Online, 3 April 2014, available at <http://www.bbc.co.uk/news/uk-26869337>.

Match fixing and conflict of interest worries are not limited to the UK. Indeed, two years ago, in a highly publicized scandal in France, eight players of the handball team from Montpellier, which was already crowned as national champion, decided to bet on their own team losing at half time against an unlikely outsider, Cesson.³ Against all odds, Montpellier was losing at half time. The French betting operator Française des Jeux noticed irregular betting patterns on the game and immediately stopped accepting bets and alerted the authorities. Subsequently, an investigation was launched and criminal proceedings initiated. The suspicions were heightened by the fact that the players did not bet in person but through closely connected intermediaries. After a long procedural delay, the prosecution has announced recently that an eagerly awaited expert report concluded that the game had in fact been fixed.⁴ In the interim, the French handball league had concluded its own disciplinary proceedings⁵ against the players involved and issued a mild ban of 6 games.⁶

What are the lessons or patterns identifiable for all European sports from the above integrity threat?

Inside information

First, betting scandals – whether historical or contemporary – have at least one common characteristic: they are premised on or facilitated by the supply of inside information. Match fixing regulation in sport is to insider trading in the stock exchange regulation. In this, corporate governance or the rules, regulations and codes of conduct of those who trade on stock exchanges or operate in the financial services industry may be instructive in the manner in which players, officials and sports clubs should be regulated in managing the above risks and especially those which raise issues relating to conflict of interest by way of players betting on their own sport. An uncanny but understated analogy here is between the work done by various EU institutions on the regulation of insider dealing and market manipulation (market abuse) and current studies on match fixing in sport. In short, the latter could be more informed by the research already completed in understanding the former.⁷

Returning to sports betting, the conflict of interest point is central to this study's remit. A straightforward illustration of same is the decision in 2012 by the International Olympic Committee (IOC) Ethic Commission to investigate the behaviour of Irish sailor Peter O'Leary, who in December 2012 escaped being banned by the IOC despite winning a four figure sum after betting on an opponent to win in the same event he was competing in at Beijing Olympics in

³ "French Olympic handball gold medallists at centre of match fixing scandal", Inside the games, 27 September 2012, available at <http://www.insidethegames.biz/sports/summer/handball/1011043-french-olympic-handball-gold-medallists-at-centre-of-match-fixing-scandal> and "Rien ne va plus!": Karabatic and teammates betting that their own team would lose – but did they then lose intentionally?", Play The Game, 3 October 2012 available at <http://www.playthegame.org/news/detailed/rien-ne-va-plus-karabatic-and-teammates-betting-that-their-own-team-would-lose-but-did-they.html>.

⁴ "Cesson-Montpellier : La seconde expertise confirme les soupçons de truchage", L'équipe, 28 April 2014, available at www.lequipe.fr/Handball/Actualites/Soupcons-confirmez/460774.

⁵ Press release by the Fédération Française de Handball available at www.ff-handball.org/actualites/actualites/detail-des-actualites/article/ffhblnh-communique-officiel.html.

⁶ Press release by the Fédération Française de Handball available at www.ff-handball.org/actualites/actualites/detail-des-actualites/article/ffhb-information-officielle-suite-au-communique-discipline-lnh-du-3001.html.

⁷ See the summary at http://ec.europa.eu/internal_market/securities/abuse/index_en.htm.

2008. O’Leary placed two bets worth a total of € 300 on the British pair of Iain Percy and Andrew Simpson to capture the gold medal in the Star class at odds of 12-1, and won € 3,600. The IOC Ethics Commission decided that he should only be warned because his actions did not impact on the final result.⁸

A further illustration ties into the football example presented in the introduction. In April 2014, the Football Association in England proposed that from the 2014/2015 season anyone involved in the top eight tiers of the English league system (from the Premier League down to the regional divisions of the Northern, Southern and Isthmian Leagues; step four of the FA pyramid) would be subject to a worldwide betting ban, i.e. all relevant participants would be prohibited from betting, either directly or indirectly, on any football match or competition anywhere in the world.

Player education and awareness

Beyond banning players from betting on their own sport, there is also a continuous need to educate players and raise their awareness on issues relating to match fixing. That awareness raising is twofold in nature. First, it applies to inside information and the need to portray clearly to players that even the most seemingly trivial information (e.g. the injury status of a teammate, state of pitch, possible tactical formation etc.) released informally by that player on social media or to his or her family or entourage may influence betting patterns. Second, awareness raising also relates to what might be called the grooming of young players by third parties e.g. the manner in which third parties provide initial financial support for an emerging young player and/or supply that player with gifts or other in-kind support with the long term view of grooming that player for gambling purposes through, for instance, that player effecting a spot-fix, such that that player may be termed a “gambling mule”.

The above matter of “grooming gambling mules” asks questions as to the governance of sports such as football and the manner in which poor governance relating to the regulation of agents, third party player ownership and private equity investment in clubs may be providing avenues for the grooming of players.

Governance

The perception that a sport has a poor regulatory ethos, and which tolerates conflicts of interest and ignores bad practices, increases that sport’s vulnerability to match fixing. The associated corruption also has a corrosive impact on that sport’s commercial viability. In cricket, the example of the Indian Premier League epitomises this link between poor governance, conflicts of interests, vulnerability to betting scandals and commercial detriment. In terms of regulatory review, Transparency International has consistently urged and advised sport on the adoption of better accountability mechanisms in order to minimise the associated risks.

⁸ IOC Ethic Commission Decisions with recommendation No. DO4/2012, Peter O’Leary, available at http://www.olympic.org/Documents/Commissions_PDFfiles/Ethics/2012-11-26-final-decision--P-OLeary-Eng.pdf.

Bad practices include a regulatory ethos that does not protect a principle that is fundamental to this matter of sporting integrity and which is based on the simple premise that every time a participant performs, they should do so “on merit” i.e. to the best of their ability and capacity. Examples of non-performance, which do not necessarily involve match fixing but may be symptomatic thereof, include “tanking”; a process whereby players or teams fail to perform on their merit in order to avoid a stronger opponent in a later part of the tournament in question. Infamous examples of the first include the draw between Germany and Austria at the FIFA World Cup of 1982 which ensured that both teams, to the detriment of Algeria, progressed to the next round and also the initial disqualification of eight badminton players from the women’s doubles competition at the London Olympics of 2012 after being accused of “not using one’s best efforts to win”. All four pairs were initially accused of deliberately attempting to lose group games, in an attempt to manipulate the draw for the knockout stage.

Episodic games

With regard to a player effecting a betting conspiracy, it must be noted that episodic games, such as cricket, tennis and snooker and where an individual participant has significant control over certain plays, are particularly vulnerable and especially to spot-fixing type scams e.g. and as revealed at the Court of Arbitration for Sport hearing in CAS 2011/A/2621 David Savic v Professional Tennis Integrity Officers, Savic, a professional tennis player, was given a life ban from his sport on proof that he offered an opponent \$ 30.000 if that opponent would agree to lose the first set, and with Savic offering to lose the remaining sets so that the opponent could win the match.

Vulnerable players and officials

In a professional sport such as football, the least paid person on the pitch and yet the person with the greatest control over the flow and indeed outcome of the game is the referee. The targeting of referees by illegal gambling conspirators is a long standing feature of match fixing. Almost exactly 40 years ago, the Sunday Times reported on how the notorious Hungarian fixer Dezso Solti had offered \$ 5.000 and a car to a Portuguese referee to help Juventus through the second leg of their European Cup Semi-final against Derby County FC from England. A decade ago, the actions of German referee Robert Hoyzer and his links with a criminal syndicate based in Croatia demonstrated the dangerousness and effectiveness of targeting referees.

The profiling of players who might be vulnerable to match fixing approaches includes those with gambling-related problems and addictions, who may then affect a sport or match fix in order to pay off accumulated gambling debts. It also includes, and this is a point made increasingly by representative bodies such as FIFPro, players who do not have their salaries paid on time, or partly paid or not at all, and thus may be vulnerable in the sense that their personal financial vulnerability may lead concomitantly to their professional vulnerability to approach by match

fixers. In FIFPro's so called "Black Book on Match fixing", it was noted that no less than 55% of the players who were approached for match fixing did not have their salaries paid on time.

Finally, a somewhat underestimated aspect is that of inequality of pay within a squad or a sport e.g. a professional player who, relatively speaking and compared to peers in a squad or internationally, is poorly paid. This point was made at the Court of Arbitration hearing CAS 2011/A/2364 Salman Butt v International Cricket Council (and relating to spot-fixing in cricket by named Pakistan international players). One of the arguments made in mitigation of the relatively lengthy bans imposed on the players was that Pakistan players were uniquely exposed and vulnerable to spot fixing because their earnings were lower than other international players. For instance, they were not permitted to play in the lucrative India Premier League and Pakistan could not host home Test games due to the 2009 terrorist attacks in Lahore thus substantially limiting their earning power.

Similarly in sports such as snooker and tennis where an international tour is in place for players, those at the elite top 16 or 32 (seeded) level, earn substantial amounts in prize winnings and associated commercial opportunities but the drop off down the rankings is thereafter quite steep and thus players at the lower levels may be frustrated into the temptation to fix low ranking matches. At the aforementioned Court of Arbitration for sport hearing in CAS 2011/A/2621 David Savic v Professional Tennis Integrity Officers, for instance, it was noted that in a 10 year career as a tennis professional Savic's direct earnings were in or around, a relatively paltry, \$ 86.000.

Online betting

Second, the traditional view of betting scandals – bribing key players or officials such as a goalkeeper or referee in a football match – is as old-fashioned and unwieldy a conspiracy as the betting company that operates without an online presence. The growth of online betting gambling platforms and exchanges, and the widening of traditional sports betting markets, have, in parallel, increased the vulnerability of sport to the spot fix and to the spread-bet. Given the breadth of betting options now available, the ethical, moral and legal vulnerabilities for sport must be highlighted. In this respect, the popular conception is of a player (who himself may have gambling problems or who perceives himself to be poorly paid or is playing in a league match of little consequence or has gambling debts or addiction problems or all of the above) approached to do a specific thing at a specific point in a game which will not necessarily affect the outcome of that game. This might involve conceding the first penalty in rugby or losing a specific game in tennis or a frame in snooker, bowling a no-ball in cricket or getting a yellow card in football, as the case may be.

The threat posed by spot fixing is, at first instance, particularly acute. For example, in the aforementioned CAS award of CAS 2011/A/2364 Salman Butt v International Cricket Council, the odds of the exact sequence of events that the guilty players admitted to manipulating as a spot-fix were estimated to be 512.000 to 1. In short, if one had prior knowledge of the players' actions, then for a € 2 bet, one could have become a millionaire. The general point being that for the sake

of a series of simple, apparently innocuous, plays, having no significant impact on the final outcome of the game in question, the odds were hugely in favour of the fixers. It must be noted here however that the likelihood of any regulated betting company accepting such an unlikely bet of such odds would be negligible.

Overall, the sophistication of the modern sports betting markets has fundamentally changed the debate on illegal betting on sport, as aggravated by the fact that such betting can be facilitated wirelessly and remotely online from jurisdictions where betting is not regulated. At its worst we have here the analogy to the “dark net” which hides online the transnational crimes of sophisticated international criminal syndicates interested in pornography and paedophilia. What links all of the above is not only the sophistication of the modern sports betting industry but its lucrativeness. In 2012, the licensed UK gambling market was worth € 12 billion; the European gambling market worth € 90 billion in 2012; and best estimates are that including illegal and legal markets worldwide, the sports betting industry is worth anywhere between £ 435 billion to £ 625 billion (i.e. \$ 1 trillion: 70% on football). Moreover, it is estimated that there are over 400 million different sports betting odds movements worldwide per day.⁹

The integrity threat to sport posed by these vast flows of money are linked then to the fact that international law enforcement agencies (such as Interpol)¹⁰ and individual researchers (notably Mr Declan Hill)¹¹ make fairly arresting claims about the threat posed to sport by criminal syndicates based in south-east Asia who are targeting sports events in Europe for match fixing purposes. There is no doubt as to the threat posed by these and the associated secondary criminality of transnational economic crime, money laundering and tax evasion. A recent report by SportAccord (a representative body for both Olympic and non-Olympic international sports federations as well as organisers of international sporting events) using statistics from a 2011 United Nations Office on Drugs and Crime (UNODC) meta-analysis of global money laundering, suggested that sports betting could now be used to launder more than € 11.000 million worldwide and that the winnings of fixed matches could represent up to € 6,8 billion or six times more than the total global trade in illegal small arms.¹²

The susceptibility of online gambling to money laundering should not be underestimated and it reflects the seriousness of this integrity threat both to sport and society. Aggravating factors in online gambling’s susceptibility to money laundering include: the virtuality of online gambling products and the related cash flows; the internationalisation and complexity of these cash flows and the related complexity of the payment processing; the vast amount of legal and illegal players in the gambling market; unharmonized law and legal uncertainty in a global gambling context; the relatively high pay-out percentages and tax-free winnings in many jurisdictions; the associated criminality such as identity theft; the facilitation of money laundering through

⁹ F Keogh and G Rose, “Football Betting – The Global Gambling Industry Worth Billions”, BBC Sport Online, 3 October 2013, www.bbc.co.uk/sport/o/football/24354124.

¹⁰ See further at <http://www.interpol.int/Crime-areas/Integrity-in-Sport/Integrity-in-sport>.

¹¹ D Hill, *The Fix* (McClelland & Stewart, Toronto 2008) and D Hill, *The Insider’s Guide to match fixing in Football* (Anne-McDermid, Toronto 2013).

¹² SportAccord, “Integrity in Sport: Understanding and Preventing match fixing” (2011) 37. See generally United Nations Office on Drugs and Crime, “Estimating Illicit Financial Flows Resulting from Drug Trafficking and other Transnational Organised Crimes: Research Report”, 2011.

gambling platforms by match fixing in sport and in overall combination, the very low risk of detection as well as abnormally low costs of money laundering (compared to the more traditional means of laundering).¹³

It is worth reiterating that a global agreement or harmonisation on sports gambling regulations appears a nigh impossible task. Paradoxically, in many of the countries from where this illegal activity emanates, betting is prohibited and thus governments deny point blank that there is a problem. The EU has long recognised the above stated challenges in the context of the continuing development of online technology on platforms such as the internet, mobile phone technology, and digital TV. Further, the EU has recognised that different forms of gambling services can operate across borders (i.e. a diversity of regulatory frameworks) and can also operate outside the control of Member States' competent authorities and thus expose consumers to risks.

In recognition that the prevailing regulatory, societal and technical issues cannot be undertaken adequately by Member States individually, the European Commission set out a comprehensive action plan encompassing a number of complementary initiatives in its 2012 Communication "Towards a comprehensive European framework for online gambling".¹⁴ Amongst other things, the Commission announced that it would adopt a Recommendation on best practices in the prevention and combating of betting-related match fixing. In order to contribute to the preparation of this recommendation, the Commission decided to launch the present study as part of the evidence gathering process.

II Objectives and scope of the study

The general objective of this study is to map existing rules and practices that are used in the 28 EU Member States to assess and manage risks and prevent conflicts of interest within the context of the fight against betting-related match fixing.

Risk assessment and management refers to situations where bets on a given sports event are not offered (e.g. sports events involving minors). It also refers to situations where the regulator or the operator restricts certain types of sports bets (e.g. prohibition of live betting or of betting on specific facts of the game or negative events (cards, penalties, etc.) or prohibition of betting on partial results of a game).

Conflict of interest prevention refers to cases where certain people/categories of people (e.g. athletes, referees or coaches, as well as their families) are prohibited from betting on sport events and/or on the competition in which they participate, or from disclosing insider information in relation to events in which they participate. It also refers to cases where betting operators' owners and employees are prevented from betting on their own products, having an interest in a sports event on which it offers bets, or from disclosing insider information.

¹³ Fiedler, Ingo (2013) Online Gambling as a Game Changer to Money Laundering? Available online at SSRN: <http://ssrn.com/abstract=2261266> or <http://dx.doi.org/10.2139/ssrn.2261266> [Accessed: 15 Jan 2014].

¹⁴ European Commission, Communication: Towards a comprehensive European framework for online gambling (COM/2012/0596 final).

The European Commission has set the following specific objectives for this study:

- To identify any existing regulations in the Member States and self-regulatory arrangements governing risk assessment and management and conflict of interest prevention.
- To describe how the identified rules are communicated and enforced at the national and cross-border level.
- To draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.

Regarding self-regulatory instruments adopted by sports organisations, the European Commission determined that the study needed to cover football, tennis, and the “third relevant sport” in each Member State.

III Methodology

To map the rules and practices governing risk assessment and management and conflict of interest prevention in the 28 Member States, the research team used different methodological approaches and tools for the data collection.

Mapping of self-regulatory arrangements

To select the most popular and relevant sport in each Member State, the research team used a number of quantitative and qualitative criteria (such as the member count of the national sports governing bodies (SGBs) as documented by the National Olympic Committees, the most watched sport on television, and the number of proven or alleged match fixing cases connected to the sport). In collaboration with our national correspondents (see below), and keeping in mind the need for a balance between individual and team sports, the following selection of sports was made:

Country	Third relevant sport
Austria	Skiing
Belgium	Cycling
Bulgaria	Volleyball
Croatia	Basketball
Cyprus	Volleyball
Czech Republic	Ice Hockey
Denmark	Cycling
Estonia	Basketball
Finland	Ice Hockey
France	Rugby
Germany	Formula 1
Greece	Basketball
Hungary	Basketball
Ireland	Rugby
Italy	Basketball
Latvia	Basketball
Lithuania	Basketball

Luxembourg	Formula 1
Malta	Basketball
Netherlands	Cycling
Poland	Volleyball
Portugal	Basketball
Romania	Basketball
Slovakia	Ice Hockey
Slovenia	Skiing
Spain	Basketball
Sweden	Ice Hockey
United Kingdom	Rugby ¹⁵

For football, tennis, and the seven additional sports, the research team collected all relevant regulatory provisions of the international SGBs that are binding or selective for the national SGBs. For the most part, this data was collected on the basis of desk research. Additional information, in particular regarding the enforcement of these provisions, was obtained through correspondence with the different international SGBs.

To collect information on the existence, scope, communication, and enforcement of practices and rules adopted by the respective SGBs at the national level, a questionnaire was drafted and administered to 28 national legal experts (legal practitioners and scholars), carefully selected on the basis of their expertise from the long-established lists of national correspondents collaborating with the research team.¹⁶ The names and affiliations of the national correspondents are appended to this report as Annex I.

From available sources, information was also gathered on self-regulatory measures taken by betting operators to prevent conflicts of interest.

Mapping of regulatory arrangements

In addition to the data collected through desk research, information on the relevant regulatory instruments was obtained via a second questionnaire administered to the national gambling regulators of the 28 EU Member States. The questionnaire, which was drafted in close collaboration with the European Commission, consisted of two parts: (1) question regarding risk assessment and management: the existence, scope, and rationale of preventive rules and practices, their communication, and their enforcement both nationally and cross-border; and (2) regarding conflict of interest prevention: the existence, scope, and rationale of preventive rules and practices, their communication, and their enforcement both nationally and cross-border.¹⁷

The research team received responses from the majority of national gambling regulators (25). No responses were received from Cyprus, Germany or Poland.

¹⁵ In the framework of this study Rugby stands for Rugby Union as defined by the IRB.

¹⁶ The Questionnaire for the national correspondents is attached to this study as Annex III.

¹⁷ The Questionnaire for the national gambling regulators is attached to this study as Annex IV.

IV Structure of the report

Part 1 describes the national regulatory arrangements governing risk assessment and management and conflict of interest prevention and their enforcement. Chapter 1 focuses on risk assessment and management. It identifies existing national rules and practices that exclude certain sports events from the betting offer of authorized operators and/or restricts the types of sports bets that may be offered. Chapter 2 focuses on conflict of interest prevention and presents an overview of the existence and enforcement of conflict of interest provisions included in the national gambling regulatory frameworks.

Part 2 presents an overview of self-regulatory measures governing conflict of interest prevention and discusses how the rules are communicated to stakeholders and enforced. Chapter 3 briefly describes some of the preventive measures adopted by sports betting operators. The subsequent chapters map the self-regulatory frameworks adopted by sports organisations, divided functionally by sport: conflict of interest prevention in football (Chapter 4), conflict of interest prevention in tennis (Chapter 5), and conflict of interest prevention in the third relevant sports (Chapter 6). Each of these chapters will first discuss the relevant regulations of the international sports governing bodies and then the relevant national rules and practices.

Finally, the general conclusions bring together and discuss some of the themes that emerged from the mapping exercise (Chapter 7). This chapter also formulates recommendations concerning the opportunity for EU action with a view to address problems and weaknesses identified.

PART 1

REGULATORY FRAMEWORK

CHAPTER 1 RISK ASSESSMENT AND MANAGEMENT

1.1 Introduction

To combat the threat of betting-related match fixing, it has been argued by some that certain types of bets and/or types of events on which bets can be placed, should be prohibited because they would pose increased risks to sports integrity. In response to the consultation based on the Green paper on online gambling in the Internal Market, the European Commission indicated that the issue deserves further exploration and debate.¹⁸

One of the objectives of this study was to identify existing national regulations that seek to manage identified risks associated with the manipulation of sports events by restricting the sports betting offer (i.e. rules and practices governing risk assessment and management). In a few Member States, the institutional and regulatory framework enables the gambling regulator to limit the betting offer in response to (for example) the risk to the integrity of sport. However, France and Italy are currently the only Member State that systematically control the types of bets and/or types of events on which bets can be placed. Some national regulations also impose restrictions on the sports betting offer of authorized operators, but these are determined by the legislator and not (clearly) designed as preventive anti match fixing measures.

There are at least two reasons for the observed lack of rules and practices concerning risk assessment and management in the Member States. First, evidence-based justifications for restricting certain types of sports bets are generally lacking. Subsequently, it is challenging for regulators to strike the right balance between the commercial interest of betting operators, the policy objective to direct customers away from unregulated markets with more attractive betting offers, and the interests of sports governing bodies in preserving the integrity of their events. In the United Kingdom, for example, the gambling regulator (Gambling Commission) has the power to restrict certain types of bets offered by licensed operators, but it does not consider that “*such intrusive and resource intensive methods would be warranted or effective*”.¹⁹ This is mainly because the Gambling Commission has so far not been able to establish a pattern of a higher number of betting integrity cases relating to specific types of bets.²⁰ Second, in various Member States, a public or State-controlled operator enjoys an exclusive right to offer sports betting (e.g. Finland, Sweden) and/or the legal offer is presently limited to land-based (pari-mutuel) sports betting (e.g. Portugal, the Netherlands). Consequently, the national regulatory framework contains very few provisions relative to (online) sports betting.

This chapter is divided into two sections. The first part gives an overview of national rules and practices that exclude certain sports events from the betting offer of authorized operators. The second part identifies restrictions on the types of sports bets that may be offered.

¹⁸ See e.g. European Commission, Staff working document: online gambling in the internal market accompanying the Communication “Towards a comprehensive framework for online gambling, (COM(2012) 596 final) 94-97.

¹⁹ Gaming Commission’s Response to the Questionnaire.

²⁰ Gaming Commission, “Betting integrity issues paper: inside information and fair and open betting”, October 2011, para. 3.40. In 2008, the Commission held a consultation on the integrity risks related to live sports betting and found no evidence that this betting type is more at risk of manipulation Gaming Commission, “In-running (in-play) betting: position paper”, March 2009.

1.2 Exclusion of certain sports events from the betting offer

1.2.1 *Lists of sports events authorized for betting*

Three Member States have introduced a list of sports events on which licensed operators can offer bets (France, Italy and Spain). However, only in France are the risks associated with the manipulation of sports events a decisive factor in establishing this list. In Spain, the mechanism was repealed in 2013.

In France, the legislature strictly regulated the sports betting offer of licensed operators. The applicable restrictions aim to limit the offering of sports bets that pose particular risks for cheating and corruption. According to Act No 2010-476 on the opening up to competition and regulation of the online gambling and betting sector, licensed operators can only offer bets on national or international sporting events that have previously been authorized by the gambling regulator (French Online Gaming Regulatory Authority, hereafter “ARJEL”).²¹ Subsequent legislation guides ARJEL in defining the competitions and types of sports on which bets can be accepted.²² The list of authorized sporting events is defined, and regularly revised, further to an opinion of the competent sports federation²³ or, failing that, of the Ministry of sports. Four criteria must be considered:

- the organiser of the sports event must be a sports federation mentioned in Article L.131-1 of the Sports Code, an international sports federation, a sports organiser mentioned in Article L.331-2 or Article L.331-5 of the Sports Code or a sports organiser that is legally organized abroad;
- the rules applicable to the sporting events must include provisions on the publicity of the event's results;
- the sporting event does not exclusively involve minors²⁴;
- the sporting event must be capable of attracting a sufficient number of bets.²⁵

Furthermore, for each sport and each sports event category, ARJEL defines the types of results of the events on which bets may be offered. Also for this purpose, ARJEL seeks the opinion from the competent sports federation or the Ministry of sports. The types of results can either be the final result of the sporting event or the result of the phases of the game during the events.²⁶ It follows that betting on "negative" score elements of the game (e.g. faults, lost balls, and penalties) is prohibited. Similarly, bets on types of results that cannot be considered a sporting performance (e.g. colour of an athlete's shirt, identity of a flag carrier in the Olympic Games) are not allowed. The results must be the expression of objective and quantifiable performances of the athletes

²¹ Idem, Article 12.

²² Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l'Autorité de régulation des jeux en ligne.

²³ The competent federation is the federation empowered by the French State to (1) organise competitions of the concerned sport on the French territory and (2) to exercise disciplinary justice towards people subject to the federation's rules.

²⁴ This is a corollary to one of the objectives of Act No. 2010-476, namely the protection of minors (Article 3(I)(1°)).

²⁵ Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l'Autorité de régulation des jeux en ligne, Article 2.

²⁶ Idem, Article 3.

taking part in the event.²⁷ Only the sports event organiser can settle the result. Licensed operators must pay out bets according to the results announced by the organiser.²⁸

The full list of authorized sports bets is published on ARJEL's website.²⁹ For each sport, it defines the categories of sporting events together with the types of results and the corresponding phases of the game for which betting is permitted. When the market was first opened in May 2010, the list covered fifteen sports. Since then, ARJEL has regularly amended the list. As of April 2014, it contains 43 approved sports.

Sports betting operators, empowered sports federations or sports event organisers regularly request ARJEL to authorise new sports bets, e.g. on new sports events or new types of results. ARJEL has consistently refused to authorise sports bets on competitions reserved for minors. It considers minors to be more vulnerable for undue external influence or pressure to alter the course of a game.³⁰ ARJEL also refuses betting on sports where marking is given (e.g. gymnastics, artistic skating, dressage, and animal training) since, as they involve human judgment, the results are considered as being exposed to increased risks of manipulation.³¹

In a series of decisions taken at the end of 2012 and the beginning of 2013, ARJEL restricted the betting offer on French football, rugby union, volleyball, basketball, and handball championships by excluding bets on games that have no impact on promotion, relegation or the decision as to which team qualified for a European competition.³² These restrictions were introduced at the request of the sports event organiser and/or the competent federation following the detection of several market anomalies on bets placed on championship matches in which there was nothing at stake for at least one team.³³

In Italy, the gambling regulator (Agenzia delle Dogane e dei Monopoli ADM) equally determines on which sports events licensed operators can offer bets. The ADM publishes, at least monthly, the official events programme, containing both sports events and other events, in reference to which bets can be accepted.³⁴ This list of authorized (sporting) events is established and revised following proposals by the betting operators.³⁵ All licensed betting operators' servers must be linked up to the ADM so that every bet can be recorded, monitored, and validated (i.e. the regulator is responsible for validating the results of the event).³⁶

²⁷ Idem.

²⁸ Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l'Autorité de régulation des jeux en ligne, Article 3.

²⁹ <http://www.arjel.fr/-Paris-Sportifs-.html>.

³⁰ ARJEL, Response to the Questionnaire. See also Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l'Autorité de régulation des jeux en ligne.

³¹ See e.g. ARJEL, Decision No. 2012-042 of 5 April 2012, available at <http://www.arjel.fr/IMG/pdf/2012-042.pdf>.

³² See ARJEL, Decision No. 2012-100 of 29 November 2012; Decision No. 2012-103 of 14 December 2012; Decision No. 2013-005 of 9 January 2013, available at <http://www.arjel.fr/-Decisions-de-l-Arjel-.html>.

³³ ARJEL, Response to the Questionnaire; see also the Montpellier-Cesson handball case discussed in the Introduction.

³⁴ <http://www.aams.gov.it>

³⁵ Decree of the Ministry of Finance No 111 of 1 March 2006 regulating fixed-odds betting on sporting events other than horseracing and on non-sporting events, Article 5.

³⁶ The information is sent to the central totalisation systems, managed by the technical partner SOGEI (Società Generale d'Informatica SpA), which is solely owned by the Ministry of Economics. Article 9-octies of Legal Decree No 16 of 2 March 2012.

Since 2013, licensed operators are also entitled to collect bets on (sports) events that are not included in the official ADM event programme.³⁷ For this purpose, the operator must submit to the regulator a proposal for a “supplementary programme”, indicating the nature of new event types and bets that it intends to include and describing the organisational and technical procedures for managing and certifying the events in this programme. All supplementary programmes must be endorsed by the ADM. The bets on in the supplementary programme cannot relate to events or conduct that is contrary to ethics, public order or decency.³⁸

Contrary to the French regulatory system, the Italian list of authorized sports bets is not envisaged as a regulatory instrument to manage risks associated with the manipulation of sports events. The ADM events programme is based on market demand and the sports event organisers or competent federation is not involved in the process.³⁹ The ADM’s policy not to include amateur competitions in the events programme is possibly the only exception.

The decision to enable licensed operators to broaden their betting portfolio with a customised supplementary programme, and thus to loosen the existing restrictions on the betting offer, equally reflects the acknowledgement of market dynamics as a means of drawing players from illegal gambling to controlled channels.⁴⁰ This would ultimately benefit the fight against betting-related match fixing since: *“the recuperation of gaming shares from the illegal market and the monitoring of such shares through IT control systems allows for a more effective monitoring of individual bets, as well as identifying any possible anomalies that could bring to light cases of sports fraud”*.⁴¹

In Spain, the “practical reality ... of new market needs” similarly persuaded the legislature to abandon the catalogue of authorized sports bets.⁴² Since the opening up of the Spanish gambling market, the regulator (Directorate General for the Regulation of Gambling) was empowered to approve and publish a catalogue of sports, competitions, and sports events that may be included in the operators’ betting offer. In relation to each sport, the regulator also defined the list of features or events pertaining to the sports activity that could be the object of betting. Licensed operators were prohibited from offering bets on sports events that were not included in the catalogue.⁴³ In response to the demand of the operators, the regulator modified the catalogue several times to include new sports events.⁴⁴ In 2013, the system was abolished. Licensed operators can now establish their own programme of sports events on which bets are offered, which must, however, be reported to the regulator. If the regulator finds that a bet included in the

³⁷ Decree of the Ministry of Finance of 18 March 2003 on the offering by authorised licensees of personalised programmes complementing those offered by the Autonomous Administration of State Monopolies (AAMS).

³⁸ Idem, Article 3(2).

³⁹ AAMS, Response to the Questionnaire.

⁴⁰ Decree of the Ministry of Finance of 18 March 2003 on the offering by authorised licensees of personalised programmes complementing those offered by the Autonomous Administration of State Monopolies (AAMS), Preamble (“Considering the need to raise awareness and limit illegal gaming, facilitate the adjustment of products offered by betting authorised betting licensees to international standards, ensure greater flexibility in gaming availability and enable individual licensees to differentiate their gaming offer”).

⁴¹ Idem.

⁴² Ministerial Order HAP/1998/2013 of 22 October by which various ministerial orders concerning various types of games are modified, Preamble.

⁴³ Ministerial Order EHA 3080/2011 of 8 November 2011 which approves the basic rules of straight sports betting, Article 14.

⁴⁴ Directorate General for the Regulation of Gambling, Response to the Questionnaire.

operators' programme contravenes the provisions of the general regulatory framework, it may demand to suspend or withdraw this bet.⁴⁵

In two other Member States, Belgium and Denmark, a list of sports events authorized for betting has been envisaged or is currently being envisaged, but such a list has not yet been adopted.

In Belgium, a future Decree will enable the regulator (Gaming Commission) to draw up a list of bets that are prohibited because they are susceptible to fraud. According to the Gaming Commission this list could be used to restrict bets that constitute too great a risk for the integrity of the sport and related betting activity. This must be based on clear evidence that the bets are susceptible to fraud and have repeatedly led to actual fraud.⁴⁶ The draft Decree provides that *“each licence holder is prohibited from offering betting possibilities that were designated by the (Gaming Commission) as being susceptible to fraud and published via an informative memorandum of the Gaming Commission on the website”*.⁴⁷ Moreover, the Decree would empower the regulator to demand the list of the live bets that a licensed operator offers or wishes to offer during an event.⁴⁸ There is no such list yet and no indicative date has been set for its adoption.

In Denmark, the national regulatory gambling framework authorises the Minister of Taxation to lay down rules prohibiting betting on certain categories of (sports) events.⁴⁹ According to the explanatory notes to the Act on Gambling, such rules would be intended to limit the risk of match fixing. The following categories of events were given as illustrations of sports events that were considered as posing the greatest risk for manipulation:

- Betting where one single sportsman or sportswoman has total control of the outcome of the bet and where the bets placed by the players are of little or no importance in so far as the sport is concerned;
- Events where a few sportsmen or the referee may decide the outcome of the bet without it having any noticeable effect on the match as a sporting match;
- Betting on matches in low-ranking leagues;
- Betting provided on youth sport.⁵⁰

While the legislator anticipated that such rules would be laid down before the issuing of the first licences for the provision of betting,⁵¹ to date they have not been adopted.

⁴⁵ Ministerial Order HAP/1998/2013 of 22 October by which various ministerial orders concerning various types of games are modified, Article 3.

⁴⁶ Belgian Gaming Commission, Response to the Questionnaire.

⁴⁷ Ontwerp van Koninklijk Besluit betreffende de lijst van spelen die mogen worden uitgebaat door houders van aanvullende vergunning via informatiemaatschappij-instrumenten, Article 11(2).

⁴⁸ Idem, Article 11(3).

⁴⁹ Act No 848 of 1 July 2010 on Gambling, Section 11(4).

⁵⁰ Explanatory notes to the individual provisions of the Act on Gambling, Comments on Section 11.

⁵¹ Idem.

1.2.2 *Exclusion of sports events involving under-18 players*

As indicated in the previous section, in France, licensed operators cannot offer sports bets on events that “*exclusively involve minors*” as the gambling regulator cannot include such events in the list of authorized sports bets.⁵²

A similar restriction can only be found in the national gambling regulatory framework of one other Member State. In Denmark, licensed operators (online and land-based) are prohibited from accepting bets on sports events with adolescents under 18.⁵³ The justification for this restriction is the assumption that minors are easier to influence and thus more vulnerable for undue external influence.⁵⁴

In the Netherlands, new legislation amending the Betting and Gaming Act, which will liberalise the Dutch gambling market by granting licences for online gambling providers, is also likely to prohibit betting on sports events involving young athletes.⁵⁵

In its 2013 resolution on online gambling in the internal market, the European Parliament called for more co-operation at the EU level to prohibit *inter alia* betting on junior competitions involving minors and stressed that it “*expects the online gambling industry to respect this ban through self-regulation*”.⁵⁶

It is unclear to what extent sports betting operators currently restrict youth events from their betting offer. In response to our questionnaire, only the Swedish gambling regulator indicated that the authorized sports betting operators (Svenska Spel and ATG) implement their own risk assessment and management measures by which certain types of sports events, including youth competitions, are excluded from the operators’ betting offering.⁵⁷

1.3 **Restriction of certain types of bets**

The decision of a betting operator as to what type of bets to include in its offer is by default the result of certain risk assessment measures. Each betting operator continuously carries out internal risk management analysis to maximise product appeal and turnover and the operator will alter its betting product offering accordingly. The management of financial risks may well align with sports integrity risks, but obviously this is not necessarily the case.

⁵² Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l’Autorité de régulation des jeux en ligne, Article 2.

⁵³ Executive order No. 65 of 25 January 2012 on land-based betting, Section 8; Executive Order No 66 of 25 January 2012 on the provision of online betting, Section 23.

⁵⁴ Gambling Authority’s response to the Questionnaire.

⁵⁵ The Draft Act amending the Gaming Act, the Gaming Tax Act and certain other Acts in respect of the organisation of remote gaming is currently before the Dutch Parliament.

⁵⁶ European Parliament resolution of 10 September 2013 on online gambling in the internal market (2012/2322(INI)), Article 58.

⁵⁷ Swedish Ministry of Finance, Response to the Questionnaire.

In most Member States, the national gambling regulatory framework only allows fixed odds betting⁵⁸ and/or pari-mutuel betting.⁵⁹ Hence, other types of bets are implicitly prohibited. Only a few Member States, such as France and Greece, expressly prohibit betting exchanges (even though this is not a different betting type as such).⁶⁰ In Malta, the national regulations impose no restrictions on the types of bets that may be offered by licensed operators.

In a limited number of Member States, the legislature or the regulator additionally restricts certain types of bets, namely bets that are considered contrary to national public policy or ethical principles (1.3.1), micro-bets (1.3.2), and live bets (1.3.3). For the most part, it is unclear whether and to what extent these restrictions are intended to combat the threat of betting-related match fixing.

1.3.1 *Prohibition of bets that are contrary to public policy or ethical principles*

In Belgium, the Gaming Act stipulates that it is prohibited to offer bets “*on an event or activity that is contrary to public policy or the accepted principles of morality*”.⁶¹ This means that, for example, no bets can be offered on which player in the Belgian competition will be the first to break his leg.⁶²

In the Czech Republic, the Act on Lotteries and Other Like Games only allows bets on (sports) events that are not “*in defiance of any ethical principles*”.⁶³

In Italy, licensed operators cannot include bets in their “supplementary programme” that relate to events or conduct that is contrary to ethics, public order, and decency.⁶⁴

1.3.2 *Prohibition of micro-bets*

Micro-bets are bets placed on “micro” outcomes within a sport event, such as yellow cards, penalties, throw-ins, whether a tennis player will serve an ace on the next point, etc. Because there are concerns that micro-bets can easily be susceptible to manipulation, the European Parliament has encouraged Member States to prohibit these types of bets.⁶⁵ However, of all the Member States that authorize online sports betting, only two of them currently have this restriction. In France, bets can only be offered on the final result of the sporting event or the

⁵⁸ Fixed odds betting involves placing a bet with an operator who will offer odds on that bet being successful.

⁵⁹ Pari-mutuel betting is where bets of a particular type are placed together in a pool and the winnings are determined by reference to the aggregate of stakes placed (minus the operators’ commission), which is then divided among the winners.

⁶⁰ Betting exchanges are a platform where bettors can exchange bets with each other at odds they themselves specify (i.e. a backer can place and a layer can accept a bet). The operator merely acts as an intermediary.

⁶¹ Gaming Act of 7 May 1999, Article 43/1.

⁶² Belgian Gaming Commission’s response to the Questionnaire.

⁶³ Act on Lotteries and Other Like Games of 17 May 1990, Article 26.

⁶⁴ Decree of the Ministry of Finance of 18 March 2003 on the offering by authorised licensees of personalised programmes complementing those offered by the Autonomous Administration of State Monopolies (AAMS), Article 3(2). See Section xx.

⁶⁵ European Parliament resolution of 10 September 2013 on online gambling in the internal market (2012/2322(INI)), Article 59.

result of the phases of the game during the events.⁶⁶ It follows that micro-bets are prohibited. In Germany, the Amended Interstate Treaty on Gambling prohibits bets on individual actions during the sport event.⁶⁷

1.3.3 *Restrictions on live betting*

In two Member States, the gambling regulatory framework limits the live sports betting offer of authorized betting operators. Live betting (or in-play betting) refers to betting on a certain outcome while a sporting event is in progress. In Germany, betting during a sport event can only be offered on the final results of sports events.⁶⁸ A similar restriction exists in Austria, albeit only in the province of Vorarlberg. Live betting on sport events is generally prohibited, but live bets that are placed on the final match result are permissible.⁶⁹

⁶⁶ Décret No. 2010-483 du 12 mai 2010 relatif aux compétitions sportives et aux types de résultats sportifs définis par l'Autorité de régulation des jeux en ligne, Article 3.

⁶⁷ Staatsvertrag zum Glücksspielwesen in Deutschland (2012), §21(4).

⁶⁸ Idem.

⁶⁹ Act on the financial statements and the placement of bets and betting exchange customers, VIb Law Gazette 18/2003 as amended by 9/2012 (VIb LGBI 18/2003 idF 9/2012), Article 1(6).

CHAPTER 2 CONFLICT OF INTEREST PREVENTION

This section presents an overview of existing national regulations governing conflict of interest prevention and examines how they are being enforced.

2.1 Overview of regulatory conflict of interest provisions

Conflict of interest provisions can be found in the national gambling regulatory frameworks of sixteen EU Member States. The following subsections will describe the four types of restrictions that have been identified:

- restrictions for those who may influence the results of sports events on which bets are placed (i.e. betting bans for sports people and/or prohibitions for betting operators to organize bets on certain events) (2.1.1);
- betting ban for betting operators' owners and employees (2.1.2)
- betting ban for the gambling regulator's employees (2.1.3)
- betting ban for other legally excluded people (2.1.4).

As the overview in Table 1 demonstrates, these different types of conflict of interest provisions do not necessarily co-exist. Only in France, Hungary, and Spain are three or more different types of restrictions applicable by way of national gambling regulations.

	Possible influence over sports events		Employees / owners operators	Employees regulator	Other
	Sports people	Betting operators			
Belgium					(certain professions)
Bulgaria					
Croatia					
Czech Republic					
Estonia					
France					
Greece					
Germany					
Hungary	(horse and greyhound races)				
Italy					
Latvia					
Malta					
Romania					
Slovakia					
Spain					
Sweden					

Table 1 – Types of conflict of interest provisions included in the national regulatory framework

2.1.1 *Restrictions for those who may influence the results of sports events on which bets are placed*

Several national gambling regulatory frameworks impose conflict of interest provisions that seek to prevent those who may influence the result of a sporting event from placing bets and/or accepting bets.

2.1.1.1 Betting ban for sports people

Seven Member States have introduced provisions prohibiting certain people that may influence the results of sports events from participating in betting on those events (Belgium, Czech Republic, Estonia, France, Germany, Hungary, and Spain). None of these provisions extend beyond the sports events in which the person in question is involved.

In Belgium, Article 4(3) of the Gaming Act stipulates that *“anyone is prohibited from participating in any game of chance if the party concerned can have a direct impact on the result thereof”*.⁷⁰ The general wording of this betting ban may be interpreted as also including betting personnel directly involved in the development of the games (see Section 2.1.2). The explanatory notes of the Gaming Act indicate, however, that the prohibition was introduced in light of the potential manipulation of sports events: jockeys and football trainers are presented as the examples of people that can have a “direct impact” on the course or the result of a sport event.⁷¹

In the Czech Republic, the betting ban targets those that “actively participate” in sporting events. According to Article 26 of the Act on Lotteries and Other Like Games:

*“Persons participating actively in sporting events for which an operator accepts bets ... (e.g. coaches, players, referees, officials of sports clubs, etc.) may not participate in betting on events in sporting competitions of which they are participants of or are otherwise involve in, or those involving a sports club in which they hold a function.”*⁷²

In Estonia, the Gambling Act prohibits *“a person who influences or may influence the occurrence or non-occurrence, manner or outcome of the event that is bet on”* from making a bet in a toto.⁷³

In France, the national gambling regulatory framework does not in itself contain a betting ban for sports people, but it obliges French empowered sports federations to forbid, in their regulations, participants in sports events to participate in betting, directly or through a third person, on those

⁷⁰ Gaming Act, Article 4(3).

⁷¹ Wetsontwerp tot wijziging van de 7 mei 1999 op de kansspelen, de kansspelinrichtingen en de bescherming van de spelers, Memorie van toelichting, Doc. 52 1992/001, 15 May 2009, 18-19.

⁷² Act on Lotteries and Other Like Games of 17 May 1990, Article 26.

⁷³ Gaming Act, Article 34(6). Toto is defined as a game, the outcome of which depends on whether an event bet on by the player occurs or does not occur or how it occurs, whereas the event bet on by the player is beyond the control of the gambling operator, the winning of a prize depends on whether the bet turns out to be true or not and the amount of the prize depends on the amount of the bet and the winning coefficient determined before the making of the bet (betting) or percentage of the total amount of the bets as determined by the gambling operator, the number of people who bet correctly and the amount of their bets (totaliser). Idem, Article 3.

events. In 2010, the Law No 2010-476 on the opening up to competition and regulation of the online gambling and betting sector, first introduced this obligation.⁷⁴ In 2012, Law No 202-158 on the enhancement of sports ethics and athlete's rights,⁷⁵ replaced this provision by inserting the following text in the French Sports Code:

“The empowered federations... set rules designed to forbid to the actors of the sports competitions:

- a) To provide sports tips services on these competitions when these actors of the sports competitions are contractually bound to a (licensed) sports betting operator ... or when the provision of these services is occurring as part of programs sponsored by such an operator;*
- b) To hold an interest in a (licensed) sports betting operator ... offering betting on the relevant sport;*
- c) To engage directly or through an intermediary, bets on the competition they participate to or communicate to third parties inside information, obtained on the occasion of their profession or their function, which are unknown to the public.*

A decree of the French State Council, subsequent to the opinion of the French National Council of physical activities and sports, lays down the conditions of entry into force of the federal regulations on sports facilities standards required to participate to sports competitions organised by empowered federations.”⁷⁶

These obligations apply to all empowered sports federations, regardless of whether betting operators are authorized to accept bets on their events.⁷⁷ Consequently, all French federations must prohibit their members from disclosing insider information,⁷⁸ offering forecasts or predictions, holding an interest in a licensed betting operator (that offers betting on the relevant sport) or participating in betting relative to the sports events in which they participate.

In Germany, the Amended Interstate Treaty on Gambling states that *“Participants who have direct or indirect influence on the outcome of a betting event as well as third parties commissioned by said persons may not conclude sports bets on the outcome or course of sports events, nor promote sports bets by others”*.⁷⁹

In Hungary, the betting ban only applies to horse and greyhound races. The following people are prohibited from placing bets: *“persons participating in the race (jockeys, riders, trainers), persons directly involved in conducting the race, members of the Horse and Greyhound Race Supervisory Committee and of the jury (race supervisory board)”* as well as *“the close relatives”* of these persons.⁸⁰

In Spain, Act 13/2011 on Gambling Regulation prohibits participation in sports betting by:

⁷⁴ Law No 2010-476 of 12 May 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, Article 32 (I) (relevant paragraphs repealed in 2012).

⁷⁵ Loi No 2012-158 du 1er février 2012 visant à renforcer l'éthique du sport et les droits des sportifs, Article 7.

⁷⁶ French Sports Code, Article L 131-16.

⁷⁷ See Chapter 1, Section 1.2.1.

⁷⁸ Each sports federation can define what is meant by “insider information”, taking into account the specific features of their sports discipline.

⁷⁹ Staatsvertrag zum Glücksspielwesen in Deutschland (2012), §21(3).

⁸⁰ Article. 71/A(1) of Decree No. 32/2005 (X. 21.) PM of the Minister of Finance.

- “d) Athletes, trainers or other participants directly involved in the event or sporting activity on which the bet is placed.*
- e) Managers of the sports participants or organisers in relation to the event or sporting activity on which the bet is placed.*
- f) Judges or arbitrators who perform their roles in relation to the event or activity on which the bet is placed, as well as any persons responsible for resolving against their decisions.”⁸¹*

2.1.1.2 Prohibition for betting operators to accept bets on certain events

Six Member States prohibit licensed betting operators from accepting bets on sports events when the operator has a controlling interest in the event or its participants (Czech Republic, Croatia, France, Slovakia, and Malta). In Germany, the prevention of a potential conflict of interest in this regard is secured by the wide-ranging prohibition of any commercial or personal links between a betting operator and the organiser of a sports event or its participants (regardless of whether the operator accepts bets on that sports event).⁸² As mentioned in §21(3) of the Amended Interstate Treaty on Gambling, *“the hosting and intermediation of sports bets must be separated from the hosting or organisation of sports events and the operation of facilities in which sports events are held in terms of organisation, legal affairs, business and staff”*.⁸³

In the Czech Republic, Article 27 of the Act on Lotteries and Other Like Games provides that an *“operator may not accept bets for races, matches and competitions in which an animal, individual or team related to the operator (by way of ownership or employment) participates”*.⁸⁴

In Croatia, the organisation of betting is banned in respect of an operator *“whose owner or shareholder is also a member, owner or shareholder of a sports club with regard to events in the types of sport and within the range of competitions to which the club in which the operator is owner or shareholder belongs to”*.⁸⁵

In France, licensed operators are subject to certain conflict of interest preventive rules as prescribed by the Law No 2010-476 on the opening up to competition and regulation of the online gambling and betting sector.⁸⁶ The specifications related to online betting operators, defined by the regulator (French Online Gaming Regulatory Authority, hereafter “ARJEL”) and approved by the Ministry of Budget,⁸⁷ provide that in a licence application, an operator must:

- provide ARJEL with any partnership contract concluded with any sports event organiser or sports event stakeholder, with the list of sport event organisers or stakeholders for which it

⁸¹ Act 13/2011 on Gambling Regulation, Article 6(2).

⁸² Judgement of the German Federal Administrative Court of 24 November 2010, BverwG 8 C 13.09, paras 74-75.

⁸³ Staatsvertrag zum Glücksspielwesen in Deutschland (2012), §21(3).

⁸⁴ Act on Lotteries and Other Like Games of 17 May 1990, Article 27.

⁸⁵ Act on Games of Chance of 10 July 2009, Article 48.

⁸⁶ Loi No 2010-476 of 12 May 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, Article 32.

⁸⁷ ARJEL, Décision n° 2010-002 du 17 mai 2010 portant approbation du cahier des charges applicable aux opérateurs de jeux en ligne.

would hold shares or financially control or which would hold shares in it or financially control it;

- declare if its owner, one of its managers, social representative or personal member holds share or is interested in a sports event;
- provide ARJEL with the provisions of its corporate internal regulations or of its model employment contract enunciating the betting ban through the corporate betting offer and the obligation to declare any shareholding or personal interest in a sports event organiser or sports event stakeholder.

These provisions aim to ensure that sports betting operators do not control, directly or indirectly, the organiser of a sporting event or its participants. Interestingly, betting operators must even provide the regulator with any partnership agreement (e.g. sponsorship) they have with the organiser of a sports events or its participants so that the regulator can ensure that these agreements are balanced and cannot conceal an indirect form of control by one party over the other.⁸⁸

In Slovakia and Malta, conflicts of interest on the betting operators' side are also scrutinized in the context of an application for a licence to operate sports bets.

In Slovakia, operators applying for a licence to operate betting games must affirm that *“there is no ownership, personnel or any other connection between them and sport organizations and clubs operating in Slovak Republic, whose scores will be subject of bets”*.⁸⁹ The restriction thus only applies to sports organisers “operating” in the Slovak Republic and betting operators must only declare this information upon application for a licence.⁹⁰ The Act on Gambling, however, also contains a more wide-ranging Conflict of Interest provision prohibiting betting operators from accepting bets on sports events in case of ownership of its participants:

*“The operator of bet games shall not accept bets for races wherein an animal, vehicle, etc. takes part that is owned or co-owned by him. This shall also apply in case the owner or co-owner is a person authorized to accept bets, or a person in employment, membership relation or similar legal relation with the operator of bet games, or a spouse of such a person.”*⁹¹

In Malta, applicants for a licence must inform the gambling regulator of any potential conflict of interest arising from interests, commercial or otherwise, of qualifying shareholders (5% or more) in sport.⁹²

⁸⁸ ARJEL, Response to the Questionnaire.

⁸⁹ Act on Gambling Games and on Amendment and Supplement to Some Acts of 16 March 2005, Section 74.

⁹⁰ Ministry of Finance, Response to the Questionnaire.

⁹¹ Act on Gambling Games and on Amendment and Supplement to Some Acts of 16 March 2005, Section 74(2).

⁹² Remote Gambling Regulations (2004), Article 5(2).

2.1.2 *Betting ban for betting operators' owners and employees*

The national regulatory frameworks of eight Member States prohibit owners and employees of an authorized betting operator from participating in the betting services offered by that operator (Czech Republic, France, Greece, Hungary, Italy, Romania, Spain, and Sweden).

In the Czech Republic, the Act on Lotteries and Other Like Games contains a betting ban for betting employees that makes a distinction between “persons authorized to accept bets” and “persons setting odds”. Both categories of people “*may not participate in betting with the operator for whom they are accepting the bets*”, but people setting odds “*are likewise prohibited from participating in betting with operators licensed under this Act*”.⁹³

In France, the owners, managers, social representatives, and employees of a licensed sports betting operator are prohibited to participate in betting, directly or through a third person, with that operator.⁹⁴

In Greece, Law 4002/2011 on the Regulation of the Gaming Market stipulates that:

*“Licence-holders operating games of chance, all manner of staff of such persons, members of their management bodies, anyone operating gaming machines used to play games of chance and their staff are prohibited from taking part in games of chance they themselves run.”*⁹⁵

In Hungary, employees of a sports betting operator “*vested with any influence of determining the odds of winning*” and the close relatives of such persons may not place any bets in such bookmaking operations.⁹⁶ Similarly, employees of an operator and their close relatives may not place bets in horse and greyhound races.⁹⁷

In Italy, licensed operators must prevent all its personnel, and anyone involved in any way in the development of its gaming platform, from participating in games.⁹⁸

In Romania, gambling operators have the obligation “*to not participate and not allow their employees to participate, whether directly or via intermediaries, in the gambling games that they organise, in accordance with the law*”.⁹⁹

In Spain, Act 13/2011 on Gambling Regulation prohibits “*(s)hareholders, proprietors, members of or significant entities involved with a gaming operator, its management staff or employees*

⁹³ Act on Lotteries and Other Like Games of 17 May 1990, Article 26.

⁹⁴ Law No 2010-476 of 12 May 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, Article 32 (I).

⁹⁵ Law 4002/2011 on the Regulation of the Gaming Market, Article 8(5). Games of chance are defined as games “whose result depends on chance, at least in part, and which pay out a financial benefit to the player”, which includes (sports) betting. Idem, Article 1.

⁹⁶ Decree No. 32/2005 (X. 21.) PM of the Minister of Finance, Article 71(4).

⁹⁷ Idem, Article 71/A(1).

⁹⁸ See e.g. Decree of the Ministry of Finance of 18 March 2003 on the offering by authorised licensees of personalised programmes complementing those offered by the Autonomous Administration of State Monopolies (AAMS), Article 7(2).

⁹⁹ Government Decision No. 870/2009 on the approval of the methodological guidelines for the Government emergency ordinance on the organisation and operation of gambling games, Article 74(1)(k).

directly involved in the development of the games” to participate in the “*games which they manage or run*”. This betting ban also applies to “*their spouses or cohabitants, ancestors and descendants in the first degree*” and “*irrespective of whether such participation by these entities occurs directly or indirectly through third party persons or legal entities*”.¹⁰⁰

In Sweden, the Lotteries Act prohibits “*employees or officials of entities arranging bingo games, gaming on gaming machines other than token machines in Sweden, roulette games, dice games or card games*” from participating in lotteries.¹⁰¹

2.1.3 Betting ban for the gambling regulator’s employees

In six Member States, the national gambling regulatory framework prevents employees of the gambling regulator from participating in gambling or betting (Bulgaria, France, Greece, Hungary, Latvia, and Spain).

In Bulgaria, the Gambling Act imposes a betting ban for the Chairperson, the members, and the employees of the gambling regulator (Gaming Commission).¹⁰²

Moreover, the Chairperson, the members, and the employees of the gambling regulator may not disclose “*any circumstances and facts*” that have come to their knowledge in connection with the performance of their official duties.¹⁰³ All these restrictions also apply to their “*spouses and lineal relatives*”.¹⁰⁴

In France, the members and the employees of the gambling regulator (ARJEL) may not, directly or through an intermediary, participate in betting or gambling (or disclose information obtained during the performance of their function to third parties).¹⁰⁵

In Greece, members of the gambling regulator (Gaming Supervision and Control Commission) are equally prohibited from taking part in games of chance.¹⁰⁶

In Hungary, the director of the gambling regulator (State Tax Authority), his deputies, and the employees of the regulator involved in the supervision of gambling operators “*may not participate in any contest of chance, with the exception of drawings*”.¹⁰⁷

¹⁰⁰ Act 13/2011 on Gambling Regulation, Article 6(2).

¹⁰¹ Lotteries Act, Article 36. Lotteries are broadly defined as “*an activity where one or more participants may, with or without a stake, obtain prizes of a higher value than that which each and every one of the other participants may obtain*”. Idem, Article 3. This includes (sports) betting.

¹⁰² Gambling Act, Article 19.

¹⁰³ Idem, Article 19(5) (“*except upon written request by a State body, where so provided for in a law*”). The persons in question must sign a declaration which expressly specifies the liability incurred when violating this provision.

¹⁰⁴ Idem, Article 19(4).

¹⁰⁵ Loi No 2010-476 of 12 May 2010 relative à l’ouverture à la concurrence et à la régulation du secteur des jeux d’argent et de hasard en ligne, Article 36.

¹⁰⁶ Law 4002/2011 on the Regulation of the Gaming Market, Article 8(5).

¹⁰⁷ Act XXXIV of 1991 on gambling operation, Article. 8(1).

In Latvia, officers and employees of the gambling regulator (Lotteries and Gambling Supervision Inspection) are prohibited to participate in betting or gambling (or disclose any insider information to third parties).¹⁰⁸

In Spain, Act 13/2011 on Gambling Regulations contains a broad-scoped prohibition to participate in the games of chance regulated by the Act by:

“The Chairman, members and directors of the National Gaming Commission, as well as their spouses or cohabitants, ancestors and descendants in the first degree, and any National Gaming Commission personnel entrusted with activities related to the inspection and monitoring of gaming.”¹⁰⁹

2.1.4 Betting ban for other legally excluded people

In Belgium, the Gaming Act also prohibits, for deontological reasons, persons who exercise certain professions (i.e. magistrates, public notaries, process servers, and members of the police force) from participating in online betting outside the framework of the exercise of their functions.¹¹⁰

2.2 Enforcement of the conflict of interest provisions

Given the focus of this study on betting-related match fixing, this section concentrates on the enforcement of the conflict of interest provisions that seek to prevent those who may influence the result of a sporting event from placing bets and/or accepting bets.

The responses of the gambling regulators to the questionnaire demonstrate that in most of the Member States the applicable conflict of interest provisions are not being (actively) enforced. Only a few regulators indicated impediments to effective enforcement,¹¹¹ namely:

- limited staff or resources and, subsequently, insufficient or no active post-licensing monitoring of betting operators' compliance with the conflict of interest provisions;
- the fact that generally only betting operators are able to detect non-compliance with the betting ban for sports people (i.e. operators have the duty to identify their customers);
- betting operators are not necessarily obliged to report a detected bet by a customer that may have had influence on the course or the result of the sports event on which the bet was placed. The majority of operators' terms and conditions specify that placing bets on events in which the bettor is participating is not permitted.¹¹² In case such provision is not complied with, the operator may simply refuse payment of any winnings as well as cancel the bet (i.e. breach of the contractual basis of the bet);

¹⁰⁸ Regulation No. 176 “Regulation of the Lotteries and Gambling Supervisory Inspection” of 25 April 2004, Article 14.

¹⁰⁹ Act 13/2011 on Gambling Regulation, Article 6(2).

¹¹⁰ Gaming Act, Article 54.

¹¹¹ Responses to the Questionnaire from the Belgian, Estonian, Maltese, and Slovakian gambling regulators.

¹¹² See Section xx.

- the fact that betting restrictions for sports people can easily be bypassed by a proxy (e.g. relative or friend).

2.2.1 *Betting ban for sports people*

In Belgium, Estonia, and Spain, the gambling regulator may impose sanctions on sports people that violate the regulatory betting ban. In Spain, the violation is considered to be a minor offence that can be punished with a written warning and an administrative fine up to € 100.000.¹¹³ In Estonia, it is considered a misdemeanour punishable by only a minor fine (max. € 80).¹¹⁴ In Belgium, the regulator may impose a fine ranging from € 100 to € 2.500. A person violating the betting ban may, however, also risk criminal prosecution and can be sanctioned with imprisonment (6 months to 5 years).¹¹⁵

In the Czech Republic, enforcement is only possible on the basis of the Criminal Code (i.e. provisions concerning fraud and corruption) and therefore must involve law enforcement agencies (police, prosecutors).¹¹⁶

In France, the enforcement of the betting ban for sports people falls under the sole jurisdiction of the empowered sports federations. The regulator (ARJEL), however, may assist the federations in the detection of possible violations of this ban. Pursuant to the information obligations imposed on licensed betting operators,¹¹⁷ ARJEL can access all detailed nominative and betting information related to players registered with these operators (i.e. their identity, postal, electron, and IP addresses, and details of every gaming activity). A French empowered sports federation, which organises or authorizes sports events on French territory on which a licensed operator can offer bets, may request access to this information.¹¹⁸ The procedure is described in Articles R131-37 to R131-45 of the French Sports Code.¹¹⁹

Before making a request to ARJEL, the federation must:

- create a personal data filing system, containing data related to competition stakeholders that are concerned by the betting ban, together with a list of the competitions on which betting was ban by the federation. This personal data filing system must be declared to the French Data Protection Commission.
- entitle some of its agents, in the light of their legal and technical abilities, to process personal data regarding competitions stakeholders, ask ARJEL to run the analysis and receive ARJEL's response.

¹¹³ Act 13/2011 on Gambling Regulation, Article 41(a).

¹¹⁴ Gambling Act, Article 100.

¹¹⁵ Gaming Act, Article 63.

¹¹⁶ Questionnaire. Act No. 40/2009 Coll., Criminal Code, Articles 209 and 331.

¹¹⁷ Law No 2010-476 of 12 May 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, Articles 31 and 38; Décret n° 2010-509 du 18 mai 2010 relatif aux obligations imposées aux opérateurs agréés de jeux ou de paris en ligne en vue du contrôle des données de jeux par l'Autorité de régulation des jeux en ligne.

¹¹⁸ French Sports Code, Article L 131-16-1.

¹¹⁹ As introduced by Décret n° 2013-947 du 22 octobre 2013 pris pour l'application de l'Article L. 131-16-1 du code du sport et relatif aux interdictions de paris sportifs.

The federation can send this filing system to ARJEL through a secured web interface and, at the federation's request, will crosscheck this data with the data concerning the betting activities registered by licensed operators. If the analysis reveals that a person featuring on the federation's "ban list" has placed any bets, ARJEL will provide the federation with the following information: first and last names, date and place of birth of the person in question; the sporting event on which bets have been registered; and details of the betting activity, including their date of registration.¹²⁰ Consequently, the federation can initiate disciplinary proceedings for the breach of the betting ban.¹²¹

In the United Kingdom, the national regulatory framework does not contain a betting ban for sports people. However, licensed operators that accept sports bets are required to "*provide the relevant sports governing body with sufficient information to conduct an effective investigation*" if the licensee suspects that information in their possession may: (1) lead the regulator (Gambling Commission) to consider making an order to void a bet; and/or (2) relate to a breach of a rule on betting applied by a sports governing body.¹²² Under the Gambling Act, the Gambling Commission also has powers to prosecute cheating, but the use of its investigatory powers can only be utilised when investigating a potential crime.¹²³ Even when it is not possible to prove potential criminal activity, the sports governing body may still pursue disciplinary action. The information provided by the betting operator (or the Gambling Commission) may constitute evidence of the infringement of its betting rules and thus strengthens the ability of sports governing bodies to apply disciplinary sanctions.

2.2.2 *Prohibition to organize bets for betting operators*

Typically the gambling regulator is responsible for supervising compliance of authorized betting services with the respective national regulatory framework, including inter alia the prohibition for licensed betting operators to accept bets on sports events when the operator has a controlling interest in the event or its participants.

In Croatia, the gambling regulator (Ministry of Finance) may impose a fine ranging from HR 50.000 to HRK 500.000 (ca. € 65.000 to € 650.000) on a betting operator violating the conflict of interest provision contained in Article 38 of the Act on Games of Chance.¹²⁴

In France, the gambling regulator (ARJEL) examines the betting operator's disclosure of potential conflicts of interests before deciding to grant the applicant a licence. Licensed operators must inform ARJEL about any changes in the information that was provided in the context of the licensing process within one month from the change.¹²⁵ On an annual basis, an independent

¹²⁰ French Sports Code, Article R131-44.

¹²¹ For the applicable disciplinary sanctions, see Section xx.

¹²² Gambling Commission, Licence conditions and codes of practice (consolidated version), May 2012, Condition 15.1.

¹²³ On the regulator's approach and decision making framework from when it first receives a piece of information through to when a case is closed, see Gambling Commission, "The Gambling Commission's betting integrity decision making framework", October 2013.

¹²⁴ Act on Games of Chance of 10 July 2009, Article 72(1)(19).

¹²⁵ ARJEL, Response to the Questionnaire.

certifier will conduct an audit to ensure that a licensed betting operator complies with the regulatory framework – including the conflict of interest provisions.¹²⁶

In Slovakia and Malta, on the contrary, the licensee's compliance with the conflict of interest provisions is not subject to active post-licensing monitoring. Unless the regulator obtains information about a suspected breach (e.g. from third parties) conflicts of interest on the betting operators' side are only scrutinized in the context of the pre-licensing process.¹²⁷

2.2.3 Other conflict of interest provisions

Apart from France, at least two other Member States (Belgium and Spain) operate a database containing personal information of legally excluded people as a mechanism to detect violations of certain conflict of interest provisions. While sports people are not included in these databases, and are not subject to a general betting ban (i.e. the ban only applies to sports events that they may influence), it is worth highlighting this enforcement tool.

In Belgium, persons that are legally excluded from participating in online betting because of their professional capacity,¹²⁸ are included in the Excluded Persons Information System (EPIS) database. The database also includes voluntarily excluded persons, persons excluded by a third party, and a number of people for whom the legislator deemed protection necessary (e.g. incapable persons and persons in collective debt settlement). The control unit of the regulator (Gaming Commission) manages this database and determines violations.

In Spain, the gambling regulator (Directorate General for the Regulation of Gambling) manages two databases that are used to register information on persons who are prohibited from participating in gambling or betting. The “General Register of Prohibitions from Access to Gaming” is used for the entry of personal data on various individuals subject to a general restriction of access to gambling (not including sports people, i.e. they are only prohibited from betting on events they are directly involved in). When a customer activates a gambling account, the operators must consult this register in real time. If the customer is enrolled in the register, the operator must block the account.¹²⁹ A second database, the “Register of Individuals Associated with Gaming Operators”, is only accessible by the regulator. It is used to record the data of: *“shareholders, members, or significant entities involved with a gaming operator, members of its board of directors and other management staff or employees, directly involved in the development of the games, as well as their spouses or cohabitants, ancestors, and descendants in the first degree”*.¹³⁰ All licensed operators must submit, and routinely update, all data

¹²⁶ Law No 2010-476 of 12 May 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, Article 32.

¹²⁷ Maltese Lotteries and Gaming Authority's Response to the Questionnaire; Slovakian Gaming Board's Response to the Questionnaire.

¹²⁸ The EPIS database only includes persons who exercise certain professions and not sports people. See Section 2.1.4.

¹²⁹ Royal Decree No 1613/2011 of 14 November 2011 implementing Law No 13/2011 regarding the technical requirements of gaming activities; Directorate General for the Regulation of Gambling, Resolution of 12 July 2012, developing the Articles 26 and 27 of Royal decree 1613/2011 in relation to the identification of the participants in the games and the control of the subjective prohibitions to the participation.

¹³⁰ Royal Decree No 1614/2011 of 14 November 2011 implementing Law No 13/2011 on the regulation of gaming, in regard to gaming licences, permits, and registers, Article 62.

concerning these individuals to the regulator for entry in the database. This customer registration verification process enables both the regulator and the operators to ensure compliance with the conflict of interest provisions.¹³¹ In case of non-compliance, i.e. when an operator allows legally excluded persons enrolled in the register access to gambling activity, the regulator may impose a fine of up to € 1 million and suspend the operator's activity for a maximum of six months.¹³²

¹³¹ Licensed operators are responsible for ensuring compliance with some of the prohibitions to participate in gambling, contained in Act 13/100 on Gambling Regulations. Act 13/2011 on Gambling Regulation, Article 6(2), i.e. minors and persons afflicted legally or by court order, anyone who requests to be prohibited from access to gaming or who is prohibited by court order, and people involved in the development of the games (See Sections 2.2.1.1 and 2.1.2).

¹³² Idem, Articles 40 and 42.

PART 2

SELF-REGULATORY FRAMEWORK

CHAPTER 3 CONFLICT OF INTEREST PREVENTION BY BETTING OPERATORS

3.1 Self-regulatory codes

Several sports betting operators (both lotteries and commercial) have adopted self-regulatory codes of conduct at the European level, which contain provisions regarding the prevention of conflicts of interest.

The European Sports Security Association (ESSA) is a non-profit organisation representing the interest of leading European licensed online sports betting operators. ESSA was established in 2005 with a mandate to facilitate cross-sector partnerships and protect operators, their customers, and sports bodies from betting-related corruption. The members of ESSA subscribe to a Code of Conduct,¹³³ which includes the following principles concerning conflict of interest:

“Members must avoid ethical conflicts and observe at all times the necessary precautions to preserve integrity in sports. This means members’ personnel cannot bet on their own betting product. Members should play absolutely no role or have a direct influence on decisions taken by any athlete, team, and the event they sponsor or contribute towards. They should also not allow sports organisations to have a controlling interest in their company. Members will support action from any sports event organisers or sporting body to prevent players, athletes, coaches, club managers or any other individuals that are directly associated with that sport from betting on any event in which they are participating.”

In case of a breach of the Code of Conduct, ESSA may initiate disciplinary proceedings and exclude members from the organisation.¹³⁴

The European Lotteries (EL) is the umbrella organisation of national lotteries operating games of chance for the public benefit. EL brings together state-owned and private operators, both profit and non-profit, who operate on behalf of the state. In 1999, the EL added sports betting operators to its membership. In 2003, the EL adopted a Code of Conduct on sports betting,¹³⁵ which includes the following provisions concerning conflict of interest:

“For the EL sports betting members having signed this code, this means:

- *abstaining from acquiring a majority share in a sports club or links with a sportsperson;*
- *not being a significant (i.e. that may be able to influence) partner of a sports team (or of a sportsperson) that might be involved in sports used for the purpose of organising betting. More particularly, this means that an official operator mainly sponsoring a professional football club or other sports club (or team) must never have any influence*

¹³³ ESSA (European Sports Security Association) Code of Conduct, available at <http://www.eu-ssa.org/code-of-conduct/>

¹³⁴ *Idem*, Section 8.

¹³⁵ The European Lotteries, EL Code of Conduct on sports betting.

- on the sports decisions taken by the club (or team). Should this in fact be the case, it must make sure that it never includes the club (or sportsperson) in its sports betting offer;*
- *an operator which is a signatory of this code must not acquire a sportsperson on behalf of a professional team, or hire a sportsperson at its expense in a competition in which it organises wagers (for example an athletics meeting or a professional tennis tournament). However the signatories are entitled to use advertising with athletes or sportspersons, when there is no way to influence them in their sport activities;*
 - *unless they exclude the sport in question from their sports betting offer, all official operators' sponsorship contracts must state that the official operator plays absolutely no role and has no direct influence on the sports relations and decisions taken by the team or the event.*

In regards to the employees of EL sports betting members in contact with sports betting:

- *employees working for an official operator and acting in the sports world must avoid ethical conflicts;*
- *sports betting personnel cannot be involved in the management of sports teams included in their betting offer. This means ownership, daily management, board members. If this is the case, the team cannot be offered for bets;*
- *sports betting personnel involved in odds compiling of a particular league or an event cannot be present in the team squads. This means players, managers, trainers. If this is the case, the team cannot be offered for bets;*
- *sports betting personnel cannot act as referees. If this is the case, the event cannot be offered for bets;*
- *sports betting personnel cannot bet on their fixed odds betting product.*

Signatories will support action from football organisers to prevent players, coaches or club managers from betting on their own teams (or any other team in the same championship), in line with the agreement signed by the European Lotteries and UEFA. Those signing are willing to help and advise sports organisations in issues related to betting and possible scenarios that undermine the integrity of sports due to betting."

A new version of the EL Code of Conduct on sports betting has been adopted in June 2014, regarding conflict of interests it stipulates that:

The global development of sports betting is creating additional risks that must be taken into account. Financial interests involved in sports betting are often so significant that they sometimes overshadow the sporting issues. In these circumstances, rules must be put in place to prevent partners from deviating in this area:

For Signatories, this means:

- *abstaining from acquiring a significant stake in a sports club or links with a sportsperson. Should this be the case, however, they must ensure that they never include this club (or sportsperson) in their sports betting offer;*

- *not being a significant partner of (i.e. such that they may be able to influence) a sports team (or a sportsperson) that might be involved in sports used for the purpose of organising betting. More particularly, this means that an official operator that is the principal sponsor of a professional football club or other sports club (or team) must never have any influence on the sports decisions taken by the club (or team). Should this, however, be the case, the Signatory must make sure that it never includes the club (or sportsperson) in its sports betting offer;*
- *not acquiring a sportsperson on behalf of a professional team, or hiring a sportsperson at its expense in a competition in which it organises wagers (for example, an athletics meeting or a professional tennis tournament). However, the Signatories are entitled to use advertising with athletes or sportspersons when there is no way to influence them in their sports activities;*
- *all official operators' sponsorship contracts must state that the official operator plays absolutely no role and has no direct influence on the sport-related decisions taken by the team the event.*

With regard to the employees of Signatories involved in events and odds selection, they are not allowed:

- *to participate in any capacity, directly or indirectly, in events offered for betting. Direct participation includes players, managers, trainers, and any kind of support roles. Indirect participation includes any direct relationship with leagues, federations or other collective authorities;*
- *to act as referees or their assistants in events offered for betting;*
- *to bet on events offered for betting by the lottery organisation. Exceptions are possible under explicit authorisation for purposes related to management of risk, such as hedging;*
- *to place bets with any operator.*

Employees with a relevant criminal record are never to be involved in event selection and compilation of odds.

Signatories support action from football organisers to prevent players and their agents, coaches or club managers from betting on their own teams (or any other team in the same tournament/championship), in line with the agreement signed (as an example) by the European Lotteries and UEFA.

Signatories are willing to help and advise sports organisations concerning issues related to betting – especially remote betting through internet and mobile phones – and possible scenarios that undermine the integrity of sports due to betting.

3.2 Terms and conditions of sports betting operators

The majority of sports betting operators' terms and conditions prohibit sports people that may influence the results of sports events from participating in betting on those events. The customer's registration process includes the customer's agreement to these terms and conditions. In case of violation of these terms and conditions, the betting operator reserves the right to refuse payment of any winnings or to cancel the bet.

As the illustrations below demonstrate, the definition and scope of these contractual betting bans for sports people varies considerably:

- Some betting operators prohibit bets on events in which the bettor is "participating". For instance, the terms and conditions of online betting operators Bwin stipulate the following: *"Bets on events in which the bettor is participating ("participating" in this sense relates to those persons involved as a sportsperson, athlete, as an owner, trainer or functionary of a participating club) or those which are commissioned by any person participating, are not permitted. In addition, bets on leagues, cup or other events in which the respective club/organization is participating may not be placed or commissioned by those persons considered to be participating in the respective events"*.¹³⁶
- Some betting operators prohibit those that can "influence" an event from placing bets on that event. For example, the terms and conditions of online betting operator Unibet prohibit "influence betting", which is defined as an act *"where an Account Holder, or parties acting in association with an Account Holder, can influence the outcome of a match or an event - directly or indirectly"*.¹³⁷
- Some betting operators prohibit bets on events when the bettor is not entitled to do so pursuant to his or her employment contract or any applicable rule of a sports organisation. For instance, online betting operator William Hill conditions the acceptance of a bet on the customer's representation that he or she is *"not prohibited from entering into the bet by any term of your contract of employment or any rule of a Sports Governing Body, which applies to you"* and *"is not aware of any circumstance which would make the placing of the bet a breach of a rule on betting applied by a Sports Governing Body"*.¹³⁸

In addition, the terms and conditions of some betting operators even preclude certain sports people from opening an account.¹³⁹

¹³⁶ Bwin, Terms and conditions: sports betting general remarks, para. A1.2. Restrictions on betting on sports events in which the bettor is "participating" can also be found in the terms and conditions of e.g. bet-at-home.com (*"Placing of bets on sporting events in which the customer is participating is forbidden. Participation is when the customer takes part in the event as a sportsperson, owner trainer or official of a participating club or as an organiser. The same applies if the bet is placed on behalf of a participant in the above sense"*) and Bettson (*"Bets on events in which the user is participating in the sport event (e.g. as a participating sportsman, as an owner, trainer or functionary of a participating club) are not permitted"*).

¹³⁷ Unibet, General terms and conditions, paras. 5.2.2. and 5.5.3.

¹³⁸ William Hill, Terms and conditions: general betting rules, para. 9. Similar restrictions can also be found in the terms and conditions of e.g. Paddy Power (*"It is a condition of our acceptance of Bets from you, and by offering to place a Bet with us you represent and warrant that ... you are not prohibited from entering into the Bet by any term of your contract of employment, these Terms of Use or any rule of a Sports Governing Body which applies to you ..."*) and SBOBET (*"The Customer further represents, warrants and certifies that: (a) the Customer is not prohibited from placing any bet by any term of the Customer's contract of employment or any rule of an international or domestic body, organisation, association, federation or other such entity that governs or oversees any sport ("Sports Governing Body") which applies to the Customer and (b) the Customer is not aware of any circumstances which would make the placing of any bet with the Operator a breach of a rule on betting applied by a Sports Governing Body ..."*).

¹³⁹ E.g. Bwin, General terms and conditions, para. 5 (only in relation to sports betting, a person *"involved in the creation, organisation or execution of an event on which We accept bets (including but not limited to sportspersons, athletes, members of a sports club and/or leagues"* is *"not permitted to register for an Account with us or to use directly or indirectly any of our*

CHAPTER 4 CONFLICT OF INTEREST PREVENTION IN FOOTBALL

4.1 Introduction: a complex global to local net of private regulations

This part of the study is aimed at mapping the existing self-regulation mechanisms concerning conflict of interest prevention (within the context of betting-related match fixing), at both the international level and national (28 Member States) level. To this end, we have relied on desk research and a set of questionnaires administered to national correspondents.¹⁴⁰ Where possible, we have provided the unofficial translations of the relevant provisions in place. The aim is to give an overview of the existing regulatory frameworks, without entering into the intimate details of their operation.

Due to the fundamental position occupied by local regulation in the practical fight against match fixing in football, the first football chapter contains a very detailed country-by-country analysis. Indeed, the games organised by FIFA and UEFA, over which they hold a disciplinary jurisdiction, are less likely to be faced with match fixing suspicions,¹⁴¹ as they are very much under the spotlight of a worldwide public. Rather, those games that are at risk are located in the second, third, and other lower tiers of the national competitions, for which FIFA and UEFA must rely on national federations to undertake disciplinary actions.

4.2 FIFA

FIFA has publicly identified match fixing as one of, if not the, major contemporary threat for football.¹⁴² In order to tackle this threat, FIFA has developed a comprehensive set of rules, but has also been very active in devising monitoring mechanisms to support national federation in this fight.

4.2.1 Normative framework: FIFA regulations against conflict of interest

The FIFA Statutes, which are in the process of being revised, encompass just one (indirect) reference to match fixing. Article 2 states that it is the objective of FIFA “to promote integrity, ethics and fair play with a view to preventing all methods or practices, such as corruption, doping or match manipulation, which might jeopardise the integrity of matches, competitions, Players, Officials and Members or give rise to abuse of Association Football”.¹⁴³ However, any definition of

Services”); Unibet, General terms and conditions, para. 2.5 (“An account Holder warrants and represents, at all times, not to: ... be a professional player in any sports, competition, league where Unibet offers bet”).

¹⁴⁰ For more details on the methodology, see the Introduction.

¹⁴¹ Though it is far from impossible, “I helped Honduras and Nigeria reach 2010 World Cup’ claims match-fixer”, *The Guardian*, 28 April 2014, available at <http://www.theguardian.com/football/2014/apr/28/honduras-nigeria-world-cup-match-fixing>.

¹⁴² “Valcke: We must battle match fixing together”, *FIFA News*, 17 January 2013, available at <http://www.fifa.com/aboutfifa/organisation/footballgovernance/news/newsid=1987215/index.html>.

¹⁴³ FIFA Statutes 2013 Edition, Article 2.

those methods or practices, or indications of specific rules related to conflict of interest are not included and can be found in other normative sources.

4.2.1.1 Rules of the FIFA Code of Ethics against betting-related match fixing

The Code of Ethics is applicable “to all officials and players as well as match and players’ agents who are bound by this Code on the day the infringement is committed”.¹⁴⁴

Article 25 is specifically dedicated to threats against the integrity of matches and competition:

*“Persons bound by this Code shall be forbidden from taking part in, either directly or indirectly, or otherwise being associated with, betting, gambling, lotteries and similar events or transactions connected with football matches. They are forbidden from having stakes, either actively or passively, in companies, concerns, organisations, etc. that promote, broker, arrange or conduct such events or transactions.”*¹⁴⁵

The Code of Ethics comprises a set of rules, which could apply to an instance of betting-related match fixing. First, Article 19 includes a general rule banning any conflict of interest:

- “1. When performing an activity for FIFA or before being elected or appointed, persons bound by this Code shall disclose any personal interests that could be linked with their prospective activities.*
- 2. Persons bound by this Code shall avoid any situation that could lead to conflicts of interest. Conflicts of interest arise if persons bound by this Code have, or appear to have, private or personal interests that detract from their ability to perform their duties with integrity in an independent and purposeful manner. Private or personal interests include gaining any possible advantage for the persons bound by this Code themselves, their family, relatives, friends and acquaintances.*
- 3. Persons bound by this Code may not perform their duties in cases with an existing or potential conflict of interest. Any such conflict shall be immediately disclosed and notified to the organisation for which the person bound by this Code performs his duties.*
- 4. If an objection is made concerning an existing or potential conflict of interest of a person bound by this Code, it shall be reported immediately to the organisation for which the person bound by this Code performs his duties for appropriate measures.”*

Article 18 imposes a duty of disclosure, cooperation, and reporting:

- “1. Persons bound by this Code shall immediately report any potential breach of this Code to the secretariat of the investigatory chamber of the Ethics Committee.*
- 2. At the request of the Ethics Committee, persons bound by this Code are obliged to contribute to clarifying the facts of the case or clarifying possible breaches and, in particular, to declare details of their income and provide the evidence requested for inspection.”*

¹⁴⁴ FIFA Code of Ethics, 2012 edition, Article 2.

¹⁴⁵ FIFA Code of Ethics, 2012 edition, Article 25.

In Article 6, the Code of ethics foresees a wide scope of sanctions in case of a breach of its regulations:

“1. Breaches of this Code or any other FIFA rules and regulations by persons bound by this Code are punishable by one or more of the following sanctions:

- a) warning;*
- b) reprimand;*
- c) fine;*
- d) return of awards;*
- e) match suspension;*
- f) ban from dressing rooms and/or substitutes’ bench;*
- g) ban on entering a stadium;*
- h) ban on taking part in any football-related activity;*
- i) social work.*

2. The specifications in relation to each sanction in the FIFA Disciplinary Code shall also apply.

3. The Ethics Committee may recommend to the responsible FIFA body that the notification of a case be made to the appropriate law enforcement authorities.”

The Ethics committee “may pronounce the sanctions described in this Code, the FIFA Disciplinary Code and the FIFA Statutes on the persons bound by this Code”¹⁴⁶ and is entitled “to judge the conduct of all persons bound by this Code while performing their duties”.¹⁴⁷ Furthermore, the enforcement is divided between an investigatory chamber and an adjudicatory chamber.¹⁴⁸ Lastly, the decision by the Ethics Committee is subject to an appeal to the Appeal Committee,¹⁴⁹ while the decision of the Appeal Committee can be reviewed by the Court of Arbitration for sport.¹⁵⁰

4.2.1.2 Rules of the FIFA Disciplinary Code against conflict of interest

The regulation against match fixing is not limited to the FIFA Code of Ethics. There are several specific provisions that are also included in the FIFA Disciplinary Code. Pursuant to Article 3, the FIFA Disciplinary Code applies to: associations; members of associations, in particular the clubs; officials; players; match officials; licensed match and players’ agents; anyone with an authorisation from FIFA, in particular with regard to a match, competition or other event organised by FIFA; spectators.

Article 69 of the FIFA Disciplinary Code provides that:

“1. Anyone who conspires to influence the result of a match in a manner contrary to sporting ethics shall be sanctioned with a match suspension or a ban on taking part in

¹⁴⁶ FIFA Code of Ethics, 2012 edition, Article. 5.

¹⁴⁷ Idem, Article. 27.2.

¹⁴⁸ Idem, Article. 28 & 29.

¹⁴⁹ Idem, Article. 80.

¹⁵⁰ Idem, Article. 81 and FIFA Statutes 2012 edition, Article. 64.

any football-related activity as well as a fine of at least CHF 15.000. In serious cases, a lifetime ban on taking part in any football-related activity shall be imposed.

2. In the case of a player or official unlawfully influencing the result of a match in accordance with par. 1, the club or association to which the player or official belongs may be fined. Serious offences may be sanctioned with expulsion from a competition, relegation to a lower division, a points deduction and the return of awards.”¹⁵¹

The FIFA Disciplinary Committee is responsible for enforcing these provisions and can issue a wide set of sanctions,¹⁵² some of which are specifically targeted at either natural persons¹⁵³ or legal persons.¹⁵⁴ Moreover, the FIFA disciplinary Committee disposes of a catch-all competence¹⁵⁵ for any violations of FIFA regulations which do not fall under the competence of a specific body. The decisions of the FIFA Disciplinary Committee can be appealed to the Appeal Committee.¹⁵⁶ Thus, the FIFA Disciplinary Code and Committee could also have a substantial role to play in the fight against match fixing at FIFA level.

4.2.1.3 Non-binding rules of the Code of Conduct

FIFA also relies on its FIFA Code of conduct. The Code of Conduct “defines the most important values and principles for behaviour and conduct within FIFA as well as with external parties”¹⁵⁷ and is applicable to all members of the FIFA ‘family’.¹⁵⁸ Signatories “reject and condemn all forms of bribery and corruption”¹⁵⁹, promise that they “do not take part in betting connected with football” and that they “do not tolerate any form of manipulation or unlawful influencing of match results”.¹⁶⁰ Furthermore, members of the “FIFA family” are to avoid any conflict of interest.¹⁶¹ However, the practical relevance of this Code remains unknown since, *a priori*, no disciplinary action can be taken on this basis.

4.2.1.4 Soft educational measures

FIFA has also developed a whole set of soft mechanisms to prevent integrity threats and match fixing. Indeed, it offers a number of workshops and trainings for stakeholders and FIFA officials. In addition, it provides an E-learning program developed in collaboration with SportAccord and Interpol and has developed a specific E-tool to introduce and explain the Code of Ethics to football officials.¹⁶² Further, FIFA is partnering with Interpol to establish a ten-year programme targeting match manipulation and focusing on training, education and prevention. Finally, at the

¹⁵¹ FIFA Disciplinary Code, 2011 edition, Article. 69.

¹⁵² Idem., Article. 10, 11 & 12.

¹⁵³ Idem., Article. 11.

¹⁵⁴ Idem., Article. 12.

¹⁵⁵ Idem., Article. 76.

¹⁵⁶ Idem., Article. 79.

¹⁵⁷ FIFA Code Of Conduct, 2012 edition, Article.1.

¹⁵⁸ Idem., Article.2.

¹⁵⁹ Idem., Article.3.10.

¹⁶⁰ Idem., Article.3.11.

¹⁶¹ Idem., 2012 edition, Article.3.6.

¹⁶² FIFA, ‘Integrity of sport – Match-manipulation’, Background information, April 2013.

occasion of the upcoming 2014 FIFA Congress, it will distribute to all its members a document providing *Specific Recommendations to Combat Match Manipulation*.

FIFA has therefore implemented a wide array of awareness raising & education programmes, e.g.:

- National and regional workshops and conferences (in cooperation with INTERPOL);
- Training workshops for FIFA officials (e.g. security officers, referees and assistant referees, development officers, instructors, administrators, team delegations and coaches);
- Pre-competition briefings of players, referees and officials for all FIFA tournaments;
- E-learning programmes aimed at educating players, coaches and referees, and other officials on the dangers of match manipulation to help them avoid becoming victims of this threat to football integrity;
- FIFA Code of Ethics e-learning tool designed to help football officials across the 209 member associations become more familiar with its provisions and ensure, therefore, the necessary compliance;
- Integrity declaration for international referees, assistant referees, futsal referees and beach soccer referees;
- FIFA's minimum requirements for contracts of professional football players include several provisions related to match manipulation (e.g. prohibition to gamble);
- Communications strategy affirming FIFA's zero-tolerance approach (e.g. Anti-match manipulation TV Spot for the FIFA World Cup™).

4.2.2 Practical enforcement

Despite having legislated on this issue FIFA rarely has the opportunity to enforce its normative provisions as it does not have disciplinary competence over players or referees outside of its competitions. Therefore, the main role of FIFA in the fight against match fixing in football is confined to ensuring that the bans issued by national federations are implemented all over the globe. Indeed, under the procedure laid down in Articles 136 and 137 of the FIFA Disciplinary Code, a sanction issued by a national federation can be extended worldwide. In the period 2010 – 2013, the Chairman of the FIFA Disciplinary Committee decided to extend more than 300 sanctions imposed on players, officials and match officials in relation to match manipulation and illegal betting imposed by 17 national associations, as well as by two confederations (the AFC and UEFA). Meanwhile, FIFA has been involved directly in only one case, concerning 6 match officials who were banned for life.¹⁶³ Thus, it is mainly through the worldwide extension mechanisms of national sanctions that FIFA, via the intermediary of the FIFA Disciplinary Committee, takes an active role in combatting betting-related match fixing.¹⁶⁴

¹⁶³ Disciplinary Committee bans six match officials for life and Lisle Austin for one year, FIFA Press Release, 10 August 2011 available at <http://www.fifa.com/aboutfifa/organisation/news/newsid=1490214/>.

¹⁶⁴ For recent example: 'FIFA extends match-manipulation sanctions imposed by the FIGC', FIFA Media Release, 12 November 2013 available at <http://www.fifa.com/aboutfifa/organisation/news/newsid=2222855/>; 'FIFA extends sanctions against British players, Australian official', FIFA Media release, 30 October 2013, available at <http://www.fifa.com/aboutfifa/organisation/news/newsid=2209336/>; 'FIFA extends sanctions against Lebanese match officials', FIFA Media release, 25 June 2013 available at <http://www.fifa.com/aboutfifa/organisation/footballgovernance/news/newsid=2119084/>.

But FIFA is also providing valuable support for the enforcement at national level through various monitoring tools. Indeed, since 2005, when it founded the Early Warning System GmbH, FIFA has closely monitored the international sports betting market for all FIFA competitions and selected international friendlies. Furthermore, FIFA has made available various channels, which can be used for confidential reporting of match manipulation suspicions:

- FIFA/EWS Integrity Hotline available to the football community for anonymous 24/7 reporting on match manipulation and corruption;
- The Confidential Reporting Mechanism for potential infringements of the FIFA Code of Ethics and the relevant FIFA Regulations as well as suspected incidents of match manipulation.

4.3 UEFA

UEFA is the confederation responsible for the management of football at the European level. It has been active in the fight against match fixing on all levels: normative, preventive and repressive.¹⁶⁵

4.3.1 Normative framework: UEFA regulations against betting-related match fixing

UEFA has many regulations that deal extensively with conflicts of interest and betting-related match fixing at the European level.

4.3.1.1 UEFA Statutes

Firstly, the UEFA Statutes indicate that a general objective of UEFA is to “*prevent all methods or practices which might jeopardise the regularity of matches or competitions or give rise to the abuse of football*”.¹⁶⁶

Secondly, Article 7bis of the statutes foresees that:

*“1 Member Associations shall have the following obligations:
a) to observe the principles of loyalty, integrity and sportsmanship in accordance with the principles of fair play; [...]
Member Associations shall include these obligations in their statutes, as well as a provision that leagues, clubs, players and officials shall observe these obligations.”*¹⁶⁷

Finally, Article 50 stipulates that:

¹⁶⁵ Again recently at the UEFA Congress it adopted a resolution against match fixing: ‘Unanimous approval for integrity resolution’, UEFA, 27 March 2014, available at <http://www.uefa.org/about-uefa/organisation/congress/news/newsid=2078383.html>.

¹⁶⁶ UEFA Statutes, Edition 2012, Article 2.e.

¹⁶⁷ Idem, Article 7bis (1) a).

“3 The admission to a UEFA competition of a Member Association or club directly or indirectly involved in any activity aimed at arranging or influencing the outcome of a match at national or international level can be refused with immediate effect, without prejudice to any possible disciplinary measures.”¹⁶⁸

4.3.1.2 UEFA Disciplinary Regulations

The UEFA Disciplinary Regulations entail more detailed provisions concerning integrity threats triggered by betting-related match fixing. Article 12 of the UEFA Disciplinary Regulations is dedicated exclusively to the ‘Integrity of matches and competitions and match fixing’. It applies to “all persons bound by UEFA’s rules and regulations” and indicates in particular that:

“1. All persons bound by UEFA’s rules and regulations must refrain from any behaviour that damages or could damage the integrity of matches and competitions and must cooperate fully with UEFA at all times in its efforts to combat such behaviour.

*3. The integrity of matches and competitions is violated, for example, by anyone:
[...]*

b) who participates directly or indirectly in betting or similar activities relating to competition matches or who has a direct or indirect financial interest in such activities;

c) who uses or provides others with information which is not publicly available, which is obtained through his position in football, and damages or could damage the integrity of a match or competition;

d) who does not immediately and voluntarily inform UEFA if approached in connection with activities aimed at influencing in a unlawful or undue manner the course and/or result of a match or competition;

e) who does not immediately and voluntarily report to UEFA any behaviour he is aware of that may fall within the scope of this Article.”¹⁶⁹

The Control and Disciplinary Body is responsible for the enforcement of this provision.¹⁷⁰ The decisions of this Body can be appealed to the Appeals Body.¹⁷¹

4.3.1.3 UEFA Organisational Regulations

The UEFA Organisational Regulations also include a specific provision related to betting-related match fixing in Article 61.2:

“2. During their term of office, members of UEFA committees and expert panels are required:

¹⁶⁸ Idem, Article 50 (3).

¹⁶⁹ UEFA Disciplinary Regulations, 2013 edition, Article 12.

¹⁷⁰ Idem, Article 23.

¹⁷¹ Idem, Article 24.

- a) to observe the principles of loyalty, integrity and sportsmanship in accordance with the principles of fair play, which includes, in particular, the obligation to refrain from any activities that endanger the integrity of UEFA or its competitions, or bring the sport of football into disrepute; (...)*
- f) not to participate, directly or indirectly, in betting or similar activities relating to UEFA competition matches and not to have any direct or indirect financial interest in such activities”.*

This provision applies solely to the members of an UEFA Committee or of an expert panel and is included in the contract signed between UEFA and its officials.¹⁷²

4.3.1.4 UEFA General Terms and Conditions for Referees

The UEFA General Terms and Conditions for Referees, which have not been changed since 2003, specify in Article 6 that *“referees shall not take part in any betting activities concerning UEFA matches”*.¹⁷³ The UEFA General Terms and Conditions are binding for the National association of the Referee and the Referee, which are officiating at UEFA matches. More precisely, *“any breach by any referees and/or national associations of the current General terms and Conditions as well as any breach of the UEFA statutes, regulations, directives, decisions, instructions or circulars letters could entail the instigation of proceedings by the disciplinary authorities of UEFA”*.¹⁷⁴

4.3.1.5 Regulations of the UEFA Champions League 2012-2015 and Regulations of the UEFA Europa League 2012-2015

Both the regulation of the UEFA Champions League and UEFA Europa League for the 2012-2015 cycle foresee that to be eligible to participate in the competition a club must comply *“with the rules aimed at ensuring the integrity of the competition as defined in Article 3”*.¹⁷⁵ Moreover, Article 21 foresees that *“participating players agree to comply with the Laws of the Game, UEFA Statutes, UEFA Disciplinary Regulations, UEFA Anti-Doping Regulations, UEFA Kit Regulations as well as the present regulations”*. Finally, players must *“refrain from any activities that endanger the integrity of the UEFA competitions or bring the sport of football into disrepute”*.¹⁷⁶

¹⁷² UEFA Organisational Regulations, Edition 2012, Article 74.

¹⁷³ UEFA General Terms and Conditions for Referees, Edition 2003, Article 6.

¹⁷⁴ UEFA General Terms and Conditions for Referees, Edition 2003, Article 13.

¹⁷⁵ Regulations of the UEFA Europa-League 2012-15 Cycle, 2013/14 Season, Article 2.07 d) & Regulations of the UEFA Champions League 2012-15 Cycle, 2013/14 Season, Article 2.04 d).

¹⁷⁶ Regulations of the UEFA Champions League 2012-15 Cycle, 2013/14 Season, Article 21.02 b) & Regulations of the UEFA Europa-League 2012-15 Cycle, 2013/14 Season, Article 21.02.

4.3.2 *UEFA prevention and communication measures*

UEFA has put in place an education programme for players, referees and match officials to inform, educate and provide them with general advice on the issues surrounding betting and match fixing. The briefing sessions and workshops take place all year round alongside UEFA tournaments and focus particularly on youth competitions. It plans to extend these activities in the upcoming years.¹⁷⁷ Furthermore, since 2011, UEFA has created a network of integrity officers in its 53 National associations. Those officers are in charge of providing educational support and courses at national level. They are also responsible for the cooperation between football authorities and national law enforcement bodies.

4.3.3 *Practical implementation of the normative framework*

Three phases are relevant to the implementation of these regulations. First, the breach must be detected. Second, an adjudicatory procedure must take place to determine the extent of the potential violation. Third, sanctions are applied.

4.3.3.1 Inquiry

UEFA has a sophisticated monitoring programme called the Betting Fraud Detection System. Via this detection system UEFA monitors all the games of UEFA competitions and 30.000 domestic league and cup games across its 53 Member Associations. If an irregularity is identified, UEFA contacts the national leagues and starts an investigation. The investigations are conducted by the Disciplinary Inspectors, either acting on its own initiative or commissioned by the UEFA Executive Committee, the UEFA President, the UEFA General Secretary, or the disciplinary bodies.¹⁷⁸ The members of the disciplinary bodies are independent and cannot belong to any other UEFA organ or committee.¹⁷⁹ The investigation might lead to a formal procedure being introduced in front of the disciplinary committee.

4.3.3.1 Procedure and sanctions

According to Article 67, the UEFA bodies which have the power to impose disciplinary measures are the Control and Disciplinary Body (Article 23 UEFA Disciplinary Regulations)¹⁸⁰ and the Appeal Body (Article 24 UEFA Disciplinary Regulations),¹⁸¹ with additional jurisdiction in the event of a UEFA Member Association and/or its members failing to prosecute, or prosecuting in an inappropriate manner, a serious violation of the UEFA statutory objectives. To our knowledge the UEFA Control and Disciplinary Body has been involved in eight cases since 2010. Two cases

¹⁷⁷ “UEFA steps up match fixing education”, UEFA 29 avril 2014, available at <http://www.uefa.org/disciplinary/news/newsid=2098246.html>.

¹⁷⁸ UEFA Disciplinary Regulations, 2013 edition, Article 25 - Disciplinary inspectors.

¹⁷⁹ UEFA Disciplinary Regulations, 2013 edition, Article 26.

¹⁸⁰ UEFA Disciplinary Regulations, 2013 edition, Article 23 - Control and Disciplinary Body.

¹⁸¹ UEFA Disciplinary Regulations, 2013 edition, Article 24 - Appeals Body.

concerned referees,¹⁸² five cases concerned clubs,¹⁸³ and one case concerned a player.¹⁸⁴ However, none of these cases was directly related to a conflict of interest breach.

4.4 National federations: a patchwork of 28 frameworks

This section will give an overview of conflict of interest provisions in the self-regulatory framework of the national football federations. For each Member State, the normative framework, the manner in which the rules are communicated, and the scope of their enforcement will be discussed.

4.4.1 Austria

4.4.1.1 Normative framework

Article 114 of the disciplinary regulation of the Austrian football federation (ÖFB) foresees that people entering *“into single or combined bets at bookkeepers or virtual betting agents on matches of one’s own club or a club playing in the same league, or who instigates third parties to do so, or who passes on non-public information which could be used for such bets”* can be sanctioned as follows: (a) admonition; b) ban for at least 2 obligatory matches; c) ban from function for at least 2 months; d) fine up to three times the bet or prize money received; e) deduction of points; f) ban from competition; g) compulsory relegation; h) ban from the SGB).

The scope of the disciplinary regulation covers *“the entire ÖFB, its members and its clubs, especially for matches and competitions organized by the ÖFB”*.¹⁸⁵ More precisely:

“S.2 (1) Subject to this regulation are:

- a) the direct and indirect members (associations and clubs) of the ÖFB;*
- b) the officials;*
- c) the players;*
- d) the match officials;-*
- e) the player’s agents licensed by the ÖFB;*
- f) all persons authorized by either the ÖFB, an association or a club, especially for a match, a competition or any other event organized by an association or a club;*
- g) the viewers”*

¹⁸² ‘CAS upholds lifetime ban on referee Oleh Orekhov’, UEFA Press release, 19 January 2011 available at <http://www.uefa.org/disciplinary/news/newsid=1587007.html>; ‘Life suspension for Armenian officials’, UEFA Press release, 22 August 2013 available at <http://www.uefa.org/disciplinary/news/newsid=1984517.html>.

¹⁸³ ‘Olympiacos Volou excluded from Europa League’, UEFA Press Release, Thursday 11 August 2011 available at <http://www.uefa.org/disciplinary/news/newsid=1658759.html>; ‘UEFA Appeals Body decision in Sigma case’, UEFA Press release, 24 June 2012 available at <http://www.uefa.org/disciplinary/news/newsid=1832517.html>; ‘Decisions on Besiktas, Fenerbahçe, Steaua’, UEFA Press release, 25 June 2013 available at <http://www.uefa.org/disciplinary/news/newsid=1967131.html>; ‘Metallist disqualified from UEFA competitions’, UEFA Press release, 14 August 2013.

¹⁸⁴ ‘Life ban for Sammut’, UEFA Press release, 3 December 2012 available at <http://www.uefa.org/disciplinary/news/newsid=1901482.html>.

¹⁸⁵ S.1 ÖFB Disciplinary regulation.

The concept of insider information is defined as the action of *“passing on of non-public information which can be used for betting”*.

The rules of the ÖFB do not provide explicit limitations or prohibitions regarding sponsorships or commercial partnerships with betting operators. Moreover, player contracts generally do not include provisions prohibiting betting.

4.4.1.2 Communication

No information indicating that the ÖFB is actively communicating on the existing rules or more broadly on the problem of conflict of interests with the relevant stakeholders was provided.

4.4.1.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided.

4.4.2 Belgium

4.4.2.1 Normative framework

According to Article 1404 of the Bondsreglement 2013-2014, players, trainers and club directors are strictly prohibited from taking part in betting activities. The prohibition applies to bets on matches of clubs of their division as well as to other sports competitions in which the club has an interest. In the abovementioned provisions, no reference is made to inside information.

As stressed by the Belgium football federation (KBVB): it is mentioned in the regulations of the KBVB that for all publicity that is held directly or indirectly by a club in favour of a firm that organizes contests, lotteries or betting activities, based on an element specific to football, the prior approval of the Executive Committee is required. Furthermore, the KBVB has no view on whether, and if so, what provisions regarding sports betting are included in the players' contracts.

According to Article 1404 of the Bondsreglement 2013-2014, it is prohibited to bet on sports events on penalty of sanctions. The sanctions can range from a ban (for an individual) or an expulsion from competitions (for a club) to a fine.

4.4.2.2 Communication

The preventive rules and practices governing conflict of interest, as mentioned above, are communicated between relevant stakeholders at the national level. Each year the new edition of the rules and regulations is sent to the members (clubs) and acceding members (leagues and

relations) after the general meeting. The regulations are published on the website of the KBVB and magazines of the association in which additional interpretative decisions are released.

Some Memoranda of Understanding were concluded with the national gambling regulator, especially in the context of the Olympic Games in London. For the future, it is the intention of the KBVB to improve the cooperation with the National Lottery and to draw Memoranda of Understanding.

4.4.2.3 Implementation

In professional football, no cases of match fixing have been uncovered over the last three years. UEFA and Sports Radar confirm this. Furthermore, there is an exchange of information and experience by the KBVB with both the federal courts (the Federal Attorney) and the Federal Police. Based on these discussions, the KBVB can decide to amend certain rules, punishments etc. as mentioned in its own regulations. Currently, this exchange of information is still rather casuistic and will be further developed in the near future.

4.4.3 *Bulgaria*

4.4.3.1 Normative framework

The Bulgaria football federation (BFU) does not have any regulation dealing with conflict of interest in relation to football betting. The only provision of an act of the BFU concerning conflicts of interests is a clause of Article IV.2.17 of the standardized contract for professional football players. The standardized labour contract of the footballers stipulates that a player shall not participate in betting and similar activities related to his football club's participation in the championships and tournaments organized by the BFU and the Bulgarian Professional Football League, or to the football club's participation in international matches and tournaments. Even though the standardized contract is not mandatory, most of the clubs use it, so that no registration issues arise with the BFU. The breach of the standardized labour contract by a player might lead to the application of the sanctions provided by the labour code. These sanctions are reprimand, dismissal warning and dismissal.

4.4.3.2 Communication

No information indicating that the federation is actively communicating on the rules or more broadly on the problem of conflict of interest with the relevant stakeholders was provided.

4.4.1.3 Implementation

In Bulgaria there have been some instances of match fixing suspicions, but, none implicating a conflict of interest.

4.4.4 Croatia

4.4.4.1 Normative framework

In Croatia three different football regulations contain rules or practices regarding conflicts of interest in relation to sports betting: the Code of Conduct of Football Employees, the Disciplinary Code and the Professional Playing Agreement (template recommended by the Croatian Football Federation).

Players, coaches, members of Croatian national teams, presidents, directors and other club officials, referees, delegates, persons in charge of the competitions, members of the Croatian Football Federation (CFF) bodies, as well as all other persons participating in the operation of the football organisation are prohibited from participating, directly or indirectly through third parties, in betting or similar activities related to CFF matches or from having any direct or indirect financial interest with respect to such activities.¹⁸⁶ Players member of the Croatian national team are prohibited from disclosing inside information.¹⁸⁷ These rules concern only the matches organized by the CFF. “Insider information” under these rules refers to information related to the internal affairs of the CFF, in particular with respect to the activities of the national team manager or management of the CFF such as trainings and tactics.¹⁸⁸

Except for the general provisions of the Code of conduct of football employees according to which the football employees are obliged to take care of their reputation and conduct in their public and private lives¹⁸⁹ and refrain from all activities that endanger the integrity of CFF and its competitions or the reputation of football,¹⁹⁰ there are no limitations or prohibitions regarding sponsorship or other commercial partnerships with betting operators.

Article 5 of the template Professional Playing Agreement recommended by the CFF includes the following provisions governing conflict of interest in relation to sports betting:

“Section 7) The Player will not, either personally or through other persons, make bets in sportsbooks in relation to the matches in which the Club participates.

Section 9) The Player will not make statements for media in relation to the matters considered a trade secret pursuant to the bylaws of the Club, in particular if it is related to internal relations in the Club, contents of trainings, as well as preparation of

¹⁸⁶ Article IV.1.1.8. Code of conduct of football employees.

¹⁸⁷ Article IV.2.2.3. Code of conduct of football employees.

¹⁸⁸ Article IV.2.2.3. Code of conduct of football employees.

¹⁸⁹ Article III. Code of conduct of football employees.

¹⁹⁰ Article IV.1.1.1. Code of conduct of football employees.

tactics for individual matches. The Player can disclose the respective information only with the explicit consent of the authorised person of the Club.”

Breaches of the Code of conduct of football employees will be penalised according to Article 88 of the Disciplinary code as follows: a fine or a six match ban for a player; and a fine or ban on performing its employee's duty for up to six months for the employee. In case of a repeated or more serious infringement, the penalty will be as follows: a ban on playing for three months to two years or a to twelve matches ban for a player; and a ban on performing of its employee's duty for three months to two years or the expulsion from the football organisation for the employee.

Furthermore, in case of a violation of provisions pertaining to the Professional Playing Agreement, the Club will be entitled to fine the Player, pursuant to the bylaws of the Club.¹⁹¹

4.4.4.2 Communication

No information indicating that the federation is actively communicating on the rules or more broadly on the problem of conflict of interest with the relevant stakeholders was provided.

4.4.4.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided..

4.4.5 Cyprus

4.4.5.1 Normative framework

The Cyprus Football Association (CFA) has in its Declaration of Rules for the National League endorsed specific provisions regarding conflict of interest practices for the: (1) members of the Board of the Football Clubs in all four divisions; (2) players for all four divisions; and (3) referees and assistant referees for all four divisions.

More precisely, based on these provisions in the Declaration of Rules of the National League (referring to the 1st, 2nd, 3rd and 4th divisions):

*“(a) Chapter 2 (5.I) for Members of the Board of Football Clubs – Clubs will not be allowed to compete in the League, if any Board Member or first degree relative, owns or has any sort of interest in a betting agency
(b) Chapter II (1.4) for football players. Along the same lines as in (a), players are not allowed in any way to have any sort of interest in a betting agency.
(c) Chapter 3 (I. XIII) for football referees and assistants, not being allowed in any way to have any sort of interest in betting agencies.”*

¹⁹¹ Article 11 of the template Professional Playing Agreement.

The sanctions for such breaches involve expulsion from competition.

It should be noted that for all three categories above (Board members, players and referees), it is compulsory before the beginning of the football season to sign a declaration/confirmation handed out by the Cyprus Football Association certifying that they are not involved in any of the abovementioned conflicts. However, there is no special provision or reference to “insider information”.

From the information gathered from clubs in the 1st division League, it appears that some contracts include provisions governing conflict of interest in relation to sports betting. However, this is not widely applicable.

4.4.5.2 Communication

The Declaration of the Rules of the League (all 4 divisions) is made before the beginning of each football season and all stakeholders in the football industry are informed of the above mentioned provisions.

4.4.5.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided... However, there are many instances of rumours about match fixing in Cyprus in relation to betting activities, but no formal breach was recorded. Once, however, the CFA cancelled a Cup game, because a betting company notified “abnormal” betting activity. In many instances, the CFA received warnings from UEFA concerning abnormal betting activities, but none of the warnings resulted in sanctions due to a lack of evidence.

4.4.6 *Czech Republic*

4.4.6.1 Normative framework

The Football Association of the Czech Republic (Czech FA)’s Disciplinary Code foresees in its Article 21 that:

“(1) It is forbidden to bet on result of a match, including to do so through a third person, or to provide to other person for receiving money or other benefit some information which is not publicly available for and could be abused for betting of any form by third person.

(2) It is forbidden to induce and encourage other players, referees, delegates to omit their duties in matches in order to bet on match result or events connected with this match.”

As listed in Article 21 (3) of the Disciplinary Code, this provision applies to: players, team officials, statutory representatives of clubs, referees, delegates, player's agents, members of the governing body of the competition, and commissions of referees and delegates. Moreover, Article 21(3) specifies that players, team officials, and statutory representatives of clubs are barred from betting on competitions to which their club participate. Similarly, referees and delegates are barred from betting on the competitions in which they officiate and player agents are banned from betting on all competition where clubs of their clients participate. Finally, members of governing body of the competition and commissions of referees cannot bet on competitions for which they perform their duties. In addition to that, Article 21 defines insider information as "information which is not publicly available and could be abused for betting of any form by a third person". The existing Czech Model contract forbids football players to bet personally or by third person on competitions connected with results of their team (Article. 1, letter L). However, we have not identified any specific restriction concerning sponsorship.

Sanctions in case of breach of Article 21 of Disciplinary Code are listed in Article 21 (4) with reference also to Article 5 of the Disciplinary Code. Sanctions can go from a ban of two to five years,¹⁹² whereas financial sanctions depend on the level of the competition.

Moreover, the Czech FA and Czech Sports Union have recently devised a National Action Plan against match fixing in the Czech Republic for 2014-2016.

4.4.6.2 Communication

The Czech FA communicates relevant information directly to Police of the Czech Republic. The Czech Players Association has also created a help phone line for players through which they can communicate information about match fixing. In the future, the National Action Plan Against match fixing in the Czech Republic 2014-2016 will also provide a communication platform.

The communication with relevant stakeholders in other EU Member States is operationalized via UEFA's integrity officer program. The Disciplinary Commission of Czech FA also cooperates with FA associations from abroad. In addition to that, the Czech FA hosted the 2nd summit of five Football Associations of Central Europe on 23rd January 2014 (Czech, Slovak, Polish, Austrian and Hungarian associations) and on this occasion match fixing was on the agenda.

4.4.6.3 Implementation

There is currently, since autumn 2013, an on-going investigation on a case of betting-related match fixing. In this case the Disciplinary Commission of the FA seems inclined to wait for the results of the inquiry led by the police. Therefore, the Disciplinary Commission handed

¹⁹² Expelling a member from the Czech FA is possible according to Article. 3 (6) of the Disciplinary Code, resp. Article. 5 (1) c/ of the Statutes of Czech FA which provide for the possibility of expelling a member from Czech FA for grave violations of member's duties.

provisional/interim bans to players. However, the Appeal Commission of the Czech FA later quashed this decision on procedural grounds.

4.4.7 *Denmark*

4.4.7.1 Normative framework

In 2011 the Danish Football Association (DBU) enacted rules on match fixing including prohibition on betting on own matches. In 2013 the rules were abolished due to the adoption of Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct by the National Olympic Committee and the Sport Confederation of Denmark (DIF). In the future, all match fixing cases organized by DBU, or other Danish sport organizations, will be handled by DIF.

Article 3 of the DIF Regulations indicates that they cover natural and legal persons:

- 1) who are members of or in any way represent DIF, a federation under DIF or a member organisation of such federation, regardless of where they are resident, staying or registered;
- 2) which in any way and in any capacity participate in any sports activity arranged, held, convened or authorised by a federation under DIF or the members, clubs, teams, organisations or leagues of such federation;
- 3) which in any way and any capacity participate in international sports activities when entry in such activities is conditional on results achieved in sports activities covered by no.2;
- 4) which fully or partly, directly or indirectly, own a legal person covered by nos. 1-3, regardless of the legal nature of this ownership; or
- 5) which fully or partly, directly or indirectly, own the transfer rights or similar rights for one or more athletes covered by nos. 1-3.

Regulations VIII prohibit, generally, “*any manipulation of sports competitions (match fixing) in order to achieve a direct or indirect financial advantage or gain*”.¹⁹³ Further, the “abuse of insider information” is also prohibited under Article 6 and is defined by Regulations VIII as “[a]ny information on any sports competition of its individual events held that a person covered by Article 3 possesses by virtue of his/her position towards or relation to the sports competition in question or the athletes etc. participating in such competition”¹⁹⁴. Moreover, “[b]etting on the course or results of a sports competition or its individual events in which the person in question is a participant, for example as an athlete, referee or umpire, support personnel or club, or where such person is otherwise able to exert influence on the results of the competition, is

¹⁹³ Article.5 Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct.

¹⁹⁴ Article.4 VII. Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct.

prohibited".¹⁹⁵ Finally, attempted breaches, as well as assistance to a breach are also sanctioned under these regulations.¹⁹⁶

In Articles 12 to 20, the Regulations foresee a number of potential sanctions: temporary or permanent suspension; fine or other pecuniary sanction; withdrawal of prize money or similar gifts of any kind; and disqualification (cancellation) of results achieved or similar sports disciplinary sanctions. Two specialized bodies enforce the rules: the Match fixing Secretariat and the Match fixing Tribunal.¹⁹⁷

Furthermore, DBU's standard contract also contains a specific provision linked to conflicts of interests. Indeed, part 2, section 4.1 of the standard contract states that: "The Player may not – directly or indirectly – place bets or take part in betting activities on matches in which the Player participates" (see attached Player Contract). Moreover, according to part 2, section 4.2: "Any violation of section 4.1 constitutes a gross breach of contract."

4.4.7.2 Communication

DBU has been organizing campaigns (flyers and posters) informing players not to bet on their own matches. There is a close cooperation between the betting company Danske Spil A/S and DIF/DBU. However at the international level no communication between stakeholders has been reported – "it seems to be 'every man for himself.'"

4.4.7.3 Implementation

In the first reported case, from June 2010, a footballer from the third division had placed a bet that his team would lose a home match. The bet was for a total of DKK 5.000 placed with a bookie. He won the bet, as his team lost the match after what the team's own website described as a poor show. The bookie reported the bet to DBU's anti-cheating e-mail hotline and an investigation was initiated. The footballer explained that this was not the first time he had gambled on losing a match in which he was playing. He had done the same thing on four or five previous occasions. However, DBU regarded this as a test case, and the footballer got off with a warning.

A second case arose in September 2010, when another footballer from the third division betted that his team would lose an away match, wagering a total of DKK 4.285 placed with two bookies. His team lost the match and he won the bet. Once again the bets were reported and DBU initiated an investigation. According to the player, it was not the first time he had gambled on a match that he was playing in himself, but it was the first time he had placed a bet on his own team losing. He explained that he had not betted on the match in conjunction with anyone else, and that, due to

¹⁹⁵ Article.7 Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct.

¹⁹⁶ Article.9 and Article.11 Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct.

¹⁹⁷ Chapter 9 & Chapter 10, Regulations VIII on Prohibition Against Manipulation of Sports Competitions (match fixing) and Similar Unethical Conduct.

an injury at the time of placing the bet, he did not know whether he would be selected for the match. Again, the breach was not considered serious enough by the DBU and the footballer got off with a warning.

In a third case from November 2011, a footballer from the top division placed a bet that his team would lose an away match against one of the top teams. The total bet amounted to DKK 6.500 at a local filling station, and three of his 13 bets were on his own future matches. The filling station attendant brought the matter to the attention of the footballer's club. The football club informed DBU of the matter, and the player was issued with an eight game ban (six for betting on his own match and two for lying to DBU).

The fourth case, according to DBU's categorization of cases, was a Level 2 case involving multiple gamblers. At the centre of the case were 96 odds coupons for DKK 500. Attempts were only made to redeem 35, and according to DBU, the footballer in question had at least 18 odds coupons and had gambled more than DKK 9.000 on a match in which he was playing. According to DBU, the footballer used intermediaries to redeem his winnings. In this context, the footballer was given a six-months ban for betting that his own team would win a championship cup match in August 2011 in which he was due to play and, in fact, played.

Finally, DBU had another case in 2012 concerning betting on own matches. The player in question was sanctioned with a suspension of five weeks and a penalty of DKK 25.000. DBU reported the illegal betting to the police, but the charges were dropped as it is not a criminal offence to bet on your own match.

4.4.8 Estonia

4.4.8.1 Normative framework

The Estonian football association has specific rules in relation to sports betting enshrined in its Disciplinary Act 2013. More precisely, Article 4 deals with this question as follows:

“Article 4 - General Rules of Conduct

4.1 People mentioned in Article 2 are obligated to behave following the principles of loyalty, honesty and athleticism.

4.2 They have to avoid all the behaviour that demolishes or might demolish the principle of fair play in competitions carried out by the Estonian Football Association and they are obliged to fully cooperate fighting against that behaviour.

4.3 The principles in Articles 4.1 and 4.2 have not been followed by a person who:

4.3.1 has actively or passively been involved or trying to get involved with bribes or corruption in football

4.3.2 is using closed information learnt from activities in football, that is damaging or might damage the game or the principle of fair play recognized by the Estonian Football Association

4.3.3 is actively or passively affecting or trying to affect with whatever kind of behaviour the game course and/or previously fixate the game or the outcome of the competition (agreed outcome of the game) in order to achieve a personal benefit from it or a benefit to a third person, either financial or any other benefit.

4.3.4 is behaving in a way that benefits themselves or a third person and affects the game or might affect the game or the game course or/and outcome, and what is against the Estonian Football Association's Statute's objectives.

4.3.5 for their own personal benefit or for the benefit of a third person actively or passively takes part in betting or in an activity of similar kind (prediction games) on the outcome of the game or the course of the game organized by the Estonian Football Association, where their own team or a close person's team is participating. Benefit can be either financial or any other."

The Estonian Football Association (EJL) has not put in place limitations concerning sponsorship by betting operators, except for commercials containing underage athletes. There is no standard contract in Estonia but certain contractual arrangements prohibit betting on their own games.

The potential sanctions for clubs are listed in Article.8 of the Disciplinary Act:

"Article 8 – Sanctions customized to clubs and teams

8.1 The sanctions customized by the disciplinary organ to clubs and teams are:

8.1.1 Warning

8.1.2 Reprimand

8.1.3 Fine

8.1.4 Annulment of the game's outcome

8.1.5 The loss of the game

8.1.6 The obligation of a rematch

8.1.7 Deduction of the points

8.1.8 Playing the game totally or partly without a public

8.1.9 Taking the game to another stadium

8.1.10 Holding on to the payable fees by the Estonian Football Association

8.1.11 New player registration ban

8.1.12 New player game registration ban or restriction

8.1.13 Transfer ban

8.1.14 Removal from the competitions

8.1.15 Removal of the title and/or prizes

8.1.16 Annulment of the licence

8.1.17 Reduction to lower leagues

8.2 The size and payment of the fines are regulated by applicable Estonian Football Association's documents."

The potential sanctions for individuals are listed in Article 11 of the Act:

"Article 11 – The sanctions customized to individuals

11.1 Sanctions to players and individuals involved in the club are:

11.1.1 Warning

11.1.2 Reprimand

11.1.3 Fine

11.1.4 Game ban for designated amount of games or for designated or undesignated period.

11.1.5 Game instruction ban and/or ban for staying in the technical area for designated amount of games or for designated or undesignated period.

11.1.6 Stadium ban

11.1.7 The taking away of the title and/or prize

11.1.8 Ban for acting as an official

11.2 The disciplinary organ has the right to add football related community work as an extra to other mentioned sanctions in the Act for a designated set of times or period.

11.3 The size and payment of the fines are regulated by applicable Estonian Football Association's documents."

4.4.8.2 Communication

All the rules are available on EJJ's web page and all the updates are publicized through press releases. The federation does not engage in further communication.

4.4.8.3 Implementation

Three breaches of the Act have been recorded: one in 2010 and two in 2013. In two cases, the players got a temporary ban from engaging in any football-related activities. In the third case, a football club (Narva JK Trans) got a warning. Should they commit another misdeed, they will be removed from Estonian National League and from UEFA competitions. EJJ informed the police about one case and an investigation has been initiated.

4.4.9 Finland

4.4.9.1 Normative framework

The relevant sports body for football is the Finnish Football Association, *Suomen Palloliitto* (SPL). The SPL Rules of Competition (Kilpailumääräykset) include a certain number of references and provisions designed to tackle conflicts of interest linked to sport betting. According to point 3 of §2 (ethical principles) of the rules, those who are active in the field of football, "football actors" or club/team officials, are not allowed to bet, whether themselves or by a representative, on competitions on the league level of their own team, of the farm team, or of the cooperation club team. Furthermore, according to point 9 of 2§ (ethical principles) of the rules, football actors or club/team officials are not allowed to give club-related information to outsiders. This concerns information not publicly available (yleisesti saatavilla) or not meant to be disclosed. Insider information could refer to the team's aims, injuries, strengths, weaknesses, etc. In addition to this, every club/team should lay down codes of conduct on what is kept private and what is communicated outside. This also includes rules on the use of social media.

The “football actors” or club/team officials (jalkapallotoimijat) in the sense of §2 include the following individuals: players; coaches; kit managers (huoltajat); management; medical team; and others that are closely connected to the club as well as referees.

A person is disqualified/hindered to function as a “football actor” or club/team official if (s)he:

- works for a gaming company in such tasks where (s)he can influence the choice of (sporting) competitions/events to bet on, calculation of odds, or other decision-making concerning those competitions/events;
- works in any other position the tasks of which and the role of a football actor/official may cause a conflict of interest; or
- acts in close co-operation with a group that practices betting.

Football actors or club/team officials are obliged to inform the umbrella association about their disqualifications/hinders. The disqualification is always assessed on an individual basis.

According to Article 2 of the Rules of Sanction of the SPL the persons facing a potential sanction by SPL are:

- a) a person who violates rules of the association or its member district or rules and decisions ordered by virtue of such rules;*
- b) a person who deliberately deceives or attempts to deceive the executive committee of the association or of the districts or bodies set up by them;*
- c) a person who, during a competition, training related thereto, outside actual match, or due to decisions concerning the competition, or otherwise acts in a manner that is unsportsmanlike or against the law;*
[...]
- e) a person who, after being elected to a team under the association or the districts, without due reason fails to take part in a match or deliberately fails to fulfill one's duties as a player in a match;*
[...]
- g) a person who engages in activity that is detrimental to the association, its member districts or clubs; or*
- h) a person who attempts to play, plays, or suggests playing in a manner that aims at fixed results or otherwise attempts to manipulate or manipulates happenings at a match or neglects to inform the association or the club upon such activities.”*

If there is reason to suspect a person of violating point (h) the disciplinary committee may order temporary suspension (playing and trustee ban). The suspect must have the possibility to be heard before such a decision.

The sanctions as such are provided in §3 of the SPL rules of sanction: warning; ordering a match or matches to be played away from home; ordering a match or matches to be played without spectators; fine; suspension (playing or trustee ban) either for a specific number of matches (max. eight) or for a defined period or temporarily as stipulated in point h of §2; annulment of the match and a possible re-play; loss of one or more points for the team in current or forthcoming matches; declaring a loss for the team in the match; and excluding the team from current and/or forthcoming competitions.

Additionally, the Executive Committee of SPL has adopted a model player contract on June 18, 2012. It is obligatory for all player contracts in the men's Football League (Jalkapalloliiga), in Ykkönen, and in Kakkonen (lower national league) as well as in the women's league and Ykkönen from 1 January 2013 onwards. According to §8 (Gambling) of the model contract, players are committed not to engage, personally or through an intermediary, in betting on their Club's and/or the farm team's matches and will not otherwise behave in a manner that might give rise to suspicions concerning the link between the Club and gambling. According to §17 (Termination of the Contract) of the SPL model player contract, a player's contract can be terminated only in accordance with the Employment Contracts Act (työsopimuslaki) (55/2001). However, according to §8 (Gambling) of the model contract, players are committed not to engage in gambling and players are also required to inform their employer and SPL and/or the Football League in situations mentioned above. Neglecting these contractual duties would give the Club the right to terminate the player's contract *immediately*.

4.4.9.2 Communication

The rules of SPL are communicated to the stakeholders via its webpage. Moreover, SPL cooperates and exchanges information with Veikkaus, the sole Finnish betting company. In practice, Veikkaus and SPL have established procedures for communicating on suspicious bets. The SPL also receives information on suspicious matches from gaming operators, from UEFA (which monitors the main matches) and from FIFA.

4.4.9.3 Implementation

Between 2010-2013, the legal protection board of sport in Finland, Urheilun oikeusturvalautakunta (UOL), has dealt with the following issues related to match fixing in football: Decisions UOL 15/2011 (suspension of enforcement) and 16/2011 concern marketing cooperation between Tampere United (TamU) and a Singaporean company Exclusive Sports PTE Ltd with alleged connections to match fixing. Furthermore, quite recently, players of Rovaniemen Palloseura (RoPS) were convicted of taking bribes for fixing games. However, these are not instances of conflict of interest breaches. No information indicating that the rules have been enforced in a specific case was provided..

4.4.10 *France*

4.4.10.1 Normative framework

Due to the adoption of the new betting law, discussed above in chapter 2, the Fédération Française du Football (F.F.F.) has had to introduce a specific provision regarding conflict of

interest linked to betting in its regulations. Article 124 of the General Regulations of the F.F.F. states:

“1. The participants to competitions organised by the F.F.F. or the L.F.P. [Ligue Professionnelle de Football] (in particular, but not exclusively, the players, managers, directors and staff-members of the clubs, the individuals having contractual relations with the F.F.F. or L.F.P., the sporting agents...) cannot:

[...]

- *Hold an interest in a licensed betting operator offering betting services on the relevant sport competitions.*
- *Bet, personally or through a third-party, on the abovementioned events, if they have a personal interest at stake, indirect or direct, in particular due to their participation, or any other link, with the competitions concerned.*
- *Communicate inside information to third-parties obtained in the course of their professions or functions, and which are unknown to the public.*

These prohibitions concern competitions organised by the F.F.F or the L.F.P, the events or the playing phases linked to those competitions and defined by the Regulatory Authority for Online Games (Autorité de Régulation des Jeux en Ligne)

2. General dispositions

These violations can trigger disciplinary sanctions under the conditions foreseen by annexe 2 of these regulations. [...]”

Article 2 of Annex 2 to the General Regulations containing the Disciplinary Regulation, contains a wide range of applicable sanctions (fine, ban, points deduction, relegation...), but there is no further definition of the appropriate sanction in case of a breach of Article 124.

Concerning the referees specifically, the internal regulation for the Federal Committee for Referees stipulates in Article 47 that: *“[...] In addition to that, active referees of the federation cannot participate to any game or bet involving the competitions organised by the F.F.F. and the L.F.P.”.*

Moreover, in Article 2.2. of Annex 5 of the same regulation it is indicated that:

“A referee cannot participate, directly or indirectly, to games or bets concerning clubs participating in competitions in which he is active. [...] The referee is informed that he is, in particular, prohibited to wage bets on the following competitions:

- *Coupe de France (à partir des 32èmes de finale)*
- *Matches de l'Equipe de France Masculine A, se déroulant en France ;*
- *Matches de l'Equipe de France Féminine A, se déroulant en France ;*
- *Matches de l'Equipe de France Espoir, se déroulant en France*
- *Championnat de France de Ligue 1 ;*
- *Championnat de France de Ligue 2 ;*
- *Coupe de la Ligue*
- *Trophée des Champions.*

[...]

Any referee found in breach of these principles by the Federal Committee for Referees will be facing the sanctions foresee in the Statute for Referees [Statut de l'Arbitrage] at section 6.”

Article 38 of the Statute for Referees contains the sanctions applicable in case of breach. The sanctions include all sorts of bans ranging from one month to the permanent removal of the accreditation as referee. However, it is noticeable that no pecuniary fine is foreseen.

Furthermore, Article 124 of the General Regulations of the F.F.F. also contains a section providing that participants cannot “offer forecasts or predictions on the competitions concerned when they are contractually bound to a licensed betting operator or when they are offered in a framework sponsored by an operator”.

The collective agreement does not include a specific prohibition on betting.

4.4.10.2 Communication

The F.F.F. has been organizing pedagogical events to inform managers and players of professional teams about the betting provisions in place.¹⁹⁸ Furthermore, the F.F.F. works in close cooperation with ARJEL the French betting regulator. However, we have no specific information concerning the exchange of good practices and the cooperation with other institutions at the international level.

4.4.10.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided..

4.4.11 *Germany*

4.4.11.1 Normative framework

The Rechts- und Verfahrensordnung of the German Football Federation (DFB) contains a number of provisions regulating betting in football.¹⁹⁹ Paragraph 44 of the DFB Statutes is also dedicated to betting. Finally, the model contract for licensed football players imposes a commitment to refrain from sport betting.

Players, coaches and function owners of affiliated corporations are prohibited from betting and from disclosing insider information. The rules do not extend beyond the sports events which the respective person takes part in. However, referees are completely prohibited from betting on all German football leagues in which betting possibilities are offered. Players, coaches or function owners and referees are also committed not to provide third parties with “privileged information related to betting on sports events or their special knowledge.”

¹⁹⁸ For example see: <http://www.fff.fr/Articles/au-coeur-du-jeu/arbitrer/conseils-pratiques-arbitrer/details-Articles/5067-549028-paris-sportifs-les-jeux-sont-faits>.

¹⁹⁹ • § 1 Nr. 2 Rechts- und Verfahrensordnung (RuVO; Legal Regulations and Rules of Procedure) of the German football association Deutscher Fußball-Bund (DFB); • § 1 Nr. 3 RuVO; • § 6a RuVO; • § 17, 17a RuVO.

Furthermore, the model contract of DFB for licensed players includes the express commitment to refrain from sports betting (Sec. 5 of the contract).²⁰⁰

The breaches of the identified rules are defined as unsportsmanlike conduct in §6a RuVO and can, according to §44 DFB Statutes, be sanctioned with: warning; reprimand; fine up to € 100.000 against players, all others up to € 250.000; exclusion from football grounds; exclusion from all administrative functions of DFB, its member associations, their clubs or corporations up to three years; exclusion from competitive matches up to three years or permanently; general exclusion up to three years or permanently; exclusion from the use of DFB institutions up to three years or permanently including cancellation of licence; prohibition of abidance in football stadiums up to five matches; revocation of coaching licences; ban from playing home matches or forced to play matches “behind closed doors”; deduction of points; and descent into lower division.

4.4.11.2 Communication

In 2011, DFB started to run a “prevention against manipulation” campaign and informed around 10.000 coaches and 10.000 parents about the topic. Furthermore, the DFB has also promoted the campaign “together against manipulation”, informing and advising players, referees, coaches, officials and their family members. With this campaign, DFB aims to point out the dangers of manipulation. Concerning the fight against match fixing in football, DFB also co-operates with various experts, such as the company Sportradar (www.sportradar.com) and the Federal Centre for Health Education (Bundeszentrale für gesundheitliche Aufklärung; BzgA²⁰¹), which supports DFB in the fields of education and communication of ethical values.

The DFB has appointed an anti-corruption commissioner, Mr. Reinhard Grindel. There is also close co-operation between it and the German Football League (Deutsche Fußball Liga GmbH; DFL) in match fixing-related matters. For instance, DFL has appointed an independent ombudsman who players, coaches and other officials can approach if they have any match fixing-related concerns. Furthermore, DFB and DFL run a website which informs, gives advice and offers help concerning the wide range of match fixing and correlated issues: www.gemeinsam-gegen-spielmanipulation.de. The DFB has published a memorandum dealing with topics of European sports policy including descriptions of the preventive practices²⁰². Further, in June 2011, the DFB hired an anti-corruption specialist and an integrity officer, while creating an anti-corruption task force.

²⁰⁰ The player undertakes to refrain from – directly or indirectly through intermediary, especially family members, on their own or by third accounts – placing bets or trying to place bets on the result or the progress of football matches or football competitions in which teams of his club or of the governing club or of any subsidiary of the club directly or indirectly take part. Furthermore they must not instruct or support any third parties in placing such bets. They are obliged not to disclose betting related or privileged information to third parties. Infringements are defined as unsportsmanlike conduct. The Player is aware that any infringement of this provision is not only a breach of this contract, but also an unsportsmanlike conduct according to § 1 Nr. 2, 4 RuVO and can lead to any sports criminal sanctions. (Translation National Expert).

²⁰¹ www.bzga.de.

²⁰² http://www.dfb.de/uploads/media/EU_Themenblaetter_2013_D_Web.pdf.

The DFB exchanges information on this issue internationally. Indeed, it has appointed an integrity officer (Mr. Ulf Schott) as required by UEFA. In general, there are several forms of co-operations between the DFB and other SGBs/UEFA, such as the exchange of prevention programmes and match fixing-related databases.

4.4.11.3 Implementation

The lack of official statistics makes it impossible to identify a precise number of breaches. According to DFB, there is an intense exchange of information between DFB and law enforcement agencies in order to guarantee a transparent and broad support to their work.²⁰³

4.4.12 Greece

4.4.12.1 Normative framework

Football in Greece is regulated by the Hellenic Football Federation (HFF – “Ελληνική Ομοσπονδία Ποδοσφαίρου”). The rules governing conflicts of interest in relation to sports betting as established by HFF are in the Statute of the Hellenic Football Federation (edition July 2011)²⁰⁴ and in the Special Provisions of the Hellenic Football Federation Disciplinary Code. The key provisions are Article 50(1) (‘Football Betting-Multi-ownership’) of the Statute and Article 17 of the Disciplinary Code.²⁰⁵

Article 50 of the Statute foresees that ‘officials’ are not allowed to participate in any betting activity. The definition of “officials” is given in Article 1 of the HFF Disciplinary Code.²⁰⁶

Furthermore, from the wording of the examples given in Article 17(2) of the HFF Disciplinary Code, it appears that the regulation imposes restrictions in the games and/or generally in the competition; hence the constraints of such activities solely apply to the sports discipline where that person is involved. Meanwhile, the meaning of “insider information” can only be derived from Article 17(2c) where it is defined as the usage or provision of information of not common knowledge, acquired due to the responsible person’s position in football (industry).

The standard contract for a professional football player provided by HFF’s Regulation on the status and transfer of players includes rules concerning conflicts of interest related to betting. In provision 5.2 of the contract, it is explicitly stated that the player “[m]ust not participate in gambling or other similar activities within the football”.

²⁰³ http://www.dfb.de/fileadmin/user_upload/2013/10/DFB_NB_2013.pdf.

²⁰⁴ Statute of the Hellenic Football Federation (HFF), edition July 2011, Article. 50(1) (‘Football Betting-Multi-ownership’).

²⁰⁵ Disciplinary Code, Article 17 (‘integrity of the games and events’), and Article 21B (‘predetermined result of a game’).

²⁰⁶ Officials are: “with the exception of players, anyone who performs an activity associated with football in a FC or club, regardless the position, type of activity (administrative, sports or any other) and the length of that activity, especially officials means the manager, coaches and medical staff”.

Moreover, with regard to sanctions, Article 17(4) of the HFF Disciplinary Code prescribes that the penalties to these violations can be found in Article 21B of the Disciplinary Code. The latter Article refers to fixed games and stipulates that the penalties imposed are established in Article 21A (Bribery):

“1. Anyone who offers, promises or gives undue gift to an HFF body, a match official, player or team official for his/her behalf or on behalf of others, trying or encouraging the break of the rules of HFF-UEFA-FIFA, will be punished with sentences that follow:

- a) fine of twenty thousand euro (€ 20.000) to sixty thousand euro (€ 60.000)*
- b) at least ten years of prohibition of any activity associated with football and*
- c) with at least ten years of refusing entry to the football fields.*

2. Passive bribery is also punished with the same penalties.

3. In severe cases and in the case of repetition of the infringements, the financial penalties will be double, and with regard to the second (b) and third (c) penalties above their duration will become for life.

4. In case the offender is a team and the bribery is related to the result of a game, the responsible team (or teams) will be punished with relegation and fine of thirty thousand (€ 300.000).”

Article 21B(2) of the Special Provisions of the Disciplinary Code, stipulates that if indeed such practice has resulted to the attainment of the goal (to predetermine the result of a game), then the fines above will be tripled.

Article 21B(3) further establishes that if liable of the effort or the attainment of the goal to predetermine the result, is a team or official of a team, then the fines will be ten-fold, and the teams will be punished with relegation.”

4.4.12.2 Communication

We have no indications of existing mechanisms for internal communication about conflicts of interests and betting-related match fixing. With regard to stakeholders in other Member States, the Federation appears to follow the rules imposed by FIFA.

4.4.12.3 Implementation

In a notorious scandal dating from 2011, a football club (KAVALA FC) and its President were charged with bribery and betting-related illegal activities, pursuant to Article 21 A of the HFF Disciplinary Code. The President promised and offered to football players, referees, administrative actors and team officials and other persons relating to the above people, presents and privileges or other gratifications in order to manipulate match results to the advantage of his team. From the decision, it appears that the inquiry took place in cooperation with the football prosecutor, UEFA and the national prosecuting authorities. The prosecution arose after a preliminary investigation indicated that criminal activity and money laundering had occurred since 2008. The final sanctions against the President amounted to a fine of € 90.000; the

prohibition for life of any football related activity, and the prohibition for life from entering any football arena. The club was sanctioned with a fine equal to €300.000; relegation; seeding in the lowest place of the final grading list for Superleague for the competition year 2010-2011. In a similar case, the President of Olympiakos Volou FC was charged with offering and promising to football players, referees, administrative actors and team players, and to other persons connected with the above, presents, privileges and other gratifications for the manipulation of the result of games to the advantage of his team. The charges refer to six games. The final sanction against the incriminated President was a fine equal to € 90.000; prohibition for life to any football related activity, and prohibition for life from entering to any football arena. The club was fined € 300.000 and relegated. Both cases were not solely concerned with conflicts of interests but also involved corruption charges.

4.4.13 Hungary

4.4.13.1 Normative framework

MLSZ (the sports governing body) has regulations which foresee that players should “refrain from (i) unlawfully influencing the result or any part of the match in any manner and (ii) match fixing”²⁰⁷; that the “sports specialists”²⁰⁸, within the scope of their professional activity, should “refrain from (i) unlawfully influencing the result or any part of the match in any manner and (ii) match fixing”²⁰⁹; that the referee or commissioner “who (i) is suspected by any national or international investigative body of unlawfully influencing any match or any part of it or attempting to do so or (ii) accepted unlawful advantage or its promise and there is information supporting such behaviour, may not be appointed or accept appointment to any match”²¹⁰; and finally that “Clubs shall report to the MLSZ general secretary immediately in writing if any natural or legal person seeks to influence the result of any domestic or international match or competition”.²¹¹

Moreover the disciplinary code also contains provisions related to betting and match fixing. It states that:

*“The player or the sports specialist commits a disciplinary offence, if
a. he/she (i) gains any unlawful advantage for his/her own benefit or for the benefit of his/her club; or (ii) provides unlawful advantage for or causes unlawful disadvantage*

²⁰⁷ Article 6(1)a,aa MLSZ Competition Regulations.

²⁰⁸ Sports specialist is any natural person who (i) pursues sporting activity within the meaning of the unified job classification system; or (ii) directly or indirectly pursues sport-related activity in a legal relationship with a club or federation; or (iii) is executive officer of the administrative and representative body of a club or federation. Sports specialist is in particular the coach, team leader, match official, medical professional (e.g. doctor, psychologist, masseur, physiotherapist who takes part in the players' preparation), agent. Sport specialist is any sports leader, coach, referee, person on the bench during a match and any person engaged in the preparation and implementation of the match, MLSZ official, commissioner, agent (Article 1.14 MLSZ Competition Regulations).

²⁰⁹ Article 6/A(6)b MLSZ Competition Regulations.

²¹⁰ Article 40(5)c and Article 40(6)c MLSZ Competition Regulations.

²¹¹ Article 10(2)j MLSZ Statutes.

to third party; or (iii) attempts to commit any of the aforementioned offences (Article 7(2)d and Article 7(3)b MLSZ Disciplinary Code);

b. his/her liability for committing any intentional public crime is established by a final and binding court judgement (Article 7(2)l and Article 7(3)h MLSZ Disciplinary Code);

c. he/she (i) actively or passively participates or attempts to participate in any football-related corruption; (ii) unlawfully influences or attempts to influence the actions and/or the result of a match in any manner for the purpose of gaining unlawful advantage for his/her own benefit or for the benefit of a third party; (iii) directly or indirectly takes part in any betting or any similar activity concerning his/her club in or outside of Hungary or he/she has direct or indirect financial interest in such activity (Article 7(2)m and Article 7(3)i MLSZ Disciplinary Code);

The club commits a disciplinary offence if it

a. gains any unlawful advantage for its own benefit;

b. provides unlawful advantage for or causes unlawful disadvantage to third party;

c. attempts to commit any of the aforementioned offences.”²¹²

These provisions apply specifically to football players and sports specialists. Indeed, “[t]he player shall refrain from (i) making any bet on his/her own match or match played by his/her team at any national or international betting operator; as well as (ii) accepting any unjustified advantage from the opposite team or a team playing in the same competition or their representatives”²¹³ and “[t]he sports specialist, within the scope of his/her professional activity, shall refrain from (i) making any bet on his/her own match or match played by his/her team at any national or international betting operator; as well as (ii) accepting any unjustified advantage from the opposite team or a team playing in the same competition or their representatives”²¹⁴. Finally, “the Clubs must submit a written statement to MLSZ declaring that the club will do everything reasonable in its power so that its sports specialists, executive officers, players etc. would not directly or indirectly take part in any betting games concerning any level of Hungarian football”.²¹⁵ These rules extend beyond the sports events in which the person takes part, but not beyond the discipline in which the person is engaged. In addition to that, player contracts usually include conflict of interest provisions.

The applicable sanctions under Article 97 MLSZ Disciplinary Code are:

“Clubs, players, sports specialists, referees, MLSZ officials or any other officials, upon becoming aware of or being told about the fact that any non-detected act that may have influenced unlawfully the result or any substantial part of a match, shall report such act to the designated MLSZ bodies within 24 hours.

The player and sports specialist shall report to the MLSZ if he/she is a suspect in or subject to any foreign disciplinary proceedings relating to match fixing within 8 days as of becoming aware of such fact. Non-reporting constitutes disciplinary offence in both cases and the following sanctions shall be imposed:

a. ban from any football-related activity for a period of 1-10 years;

b. permanent ban from any football-related activity.

²¹² Article 7(4)n MLSZ Disciplinary Code.

²¹³ Article 6(1)a,ac MLSZ Competition Regulations.

²¹⁴ Article 6/A(6)d MLSZ Competition Regulations.

²¹⁵ Article 3.H MLSZ Tournament Regulations First Division Man 2013/14.

The sanctions to be imposed on the person or club who (i) attempts to influence the result of the match in any unlawful manner, especially by concluding a prior agreement for the purpose of influencing the result of the match or attempting or offering to enter into such agreement; or (ii) gives, offers or promises any financial benefit to the opponent's player, official, coach or the referee; or (iii) persuades any other person capable of influence the result of the match to influence the match in any manner or attempts or strives to do so, may be the following:

- a. If the offender is a player: (i) ban from all football-related activities for a period of 1-10 year; (ii) permanent ban from all football-related activities.*
- b. If the offender is a sports specialist: (i) ban from all football-related activities for a period of 1-10 year; (ii) permanent ban from all football-related activities.*
- c. If one or more member(s) of the club was/were involved in the disciplinary offence, the sanction for the club may be: (i) fine between HUF 5.000.000 – HUF 10.000.000 (ca. € 16.666 – € 33.333); (ii) annulment of the result of the unlawfully influenced match and allocation of points with a 3-0 goal difference to the innocent club; (iii) deduction of 1-10 punitive points from the club; (iv) expulsion of the club from the championship or the cup for no more than two years; (v) declassification of the club to the next lowest division.”*

4.4.13.2 Communication

While international stakeholders are informed via the network of integrity officers managed by UEFA, to our knowledge MLSZ is using no other means of communicating violations or other points of concern to interested parties.

4.4.13.3 Implementation

Many scandals involving match fixing have hit the headlines in Hungary recently. Indeed, twelve investigations were launched involving match fixing suspicions since 2010. However, it is not clear from the factual elements we have whether these cases concerned conflicts of interest.

4.4.14 Ireland

4.4.14.1 Normative framework

The key rules concerning conflict of interest and betting-related match fixing in the Football Association of Ireland's (FAI) Rule Book of 2013 are Rule 99 (corruption); Rule 101 (match manipulation) and Rule 102 (betting and gambling). More precisely Rule 102 provides that:

- “1. Anyone who engages in any behaviour that damages or could damage the integrity of matches and competitions may be subject to disciplinary sanctions. All persons are obliged to cooperate fully with the Association in all efforts to combat such behaviour.*
- 2. Anyone who engages in any of the following may be subject to disciplinary sanction:*

- a) acting in a manner that is likely to exert an influence on the course and/or result of a match or competition by means of behaviour with a view to gaining an advantage for themselves or a third party;*
 - b) participating directly or indirectly in betting or similar activities relating to matches or competitions or having a direct or indirect financial interest in such activities;*
 - c) instructing someone to bet on their behalf;*
 - d) using or providing others with information which is not publically available, is obtained through his position in football and damages or could damage the integrity of a match or a competition;*
 - e) failing to immediately and voluntarily inform the Association if approached in connection with activities aimed at influencing the course and/or result of a match or competition;*
 - f) failing to immediately and voluntarily report to the Association any behaviour that they may be aware of that falls within the scope of this Rule;*
- 3. Any complaints made regarding match fixing after the relevant competition stage has finished will have no impact on the sporting result of the competition or match in question and will not require a match to be replayed.*
- 4. If there is a suspected breach of this rule all persons subject to these rules must provide any information, documentation, data recording and/or storage device including but not limited to text, images, sound etc. that could contain data relating to the matter.”*

These rules apply to anyone, nevertheless they are limited to matches and competitions under FAI control. The Rule Book defines “insider information” as “information which is not publically available, and is obtained through his position in football and damages or could damage the integrity of a match or a competition”²¹⁶.

The sanctions available in case of violation of the provisions of the FAI Rule Book are listed in Rule 109, they include:

“1. The following sanctions are applicable only to natural persons:

- a) caution;*
- b) expulsion;*
- c) match suspension;*
- d) ban from dressing rooms and/or substitutes’ bench;*
- e) ban from entering a stadium;*
- f) ban on taking part in any football-related activity.*

2. The following sanctions are applicable only to legal persons:

- a) transfer ban;*
- b) playing a match without spectators;*
- c) playing a match on neutral territory;*
- d) ban on playing in a particular stadium;*
- e) annulment of the result of a match;*
- f) exclusion;*
- g) forfeit;*
- h) deduction of points;*

²¹⁶ Rule 102(1) (d).

- i) demotion to a lower division;*
- j) suspension from membership of the FAI.*
- 3. In addition to the sanctions listed above the following sanctions are applicable to both natural and legal persons;*
 - a) a warning;*
 - b) a reprimand;*
 - c) a fine;*
 - d) the return of awards.”*

4.4.14.2 Communication

The communication of the FAI's policies falls to its Integrity Officer. The policies are communicated to national authorities e.g. Irish Ministry for Sport and the Irish Sports Council, and by way of stakeholder organisations such as the Federation of Irish Sport. Furthermore, there is informal but regular communication between FAI and betting companies. Finally, the rules and practices are communicated across borders via the FAI links regionally (UEFA) and globally (FIFA).

4.4.14.3 Implementation

Only one case of breach has been detected, which resulted in disciplinary action as per the above. Law enforcement agencies are not directly involved in the implementation of rules.

4.4.15 Italy

4.4.15.1 Normative framework

The existing Italian normative framework is quite complex, as it combines many overlapping levels of regulation, which are difficult to disentangle.

In 2004, the Council of the Italian Olympic Committee (CONI) issued the Code of Conduct for Sports.²¹⁷ This Code incorporates the principles and rules of ethics which have to be followed by individuals registered with the national sports federations (i.e. athletes, coaches, directors, match officials and other individuals connected with CONI). Article 10 of this Code (“Prevention of conflicts of interests”), includes a prohibition on placing bets, directly or through another person, on the results of competitions in which one is participating or has a direct interest. CONI also installed an Authority on the Code of Conduct for Sport, competent to adopt instructions and monitor the implementation of the Code by the national federations.

²¹⁷ Codice di comportamento sportivo, online at http://www.coni.it/images/CODICE_DI_COMPORTEMENTO_SPORTIVO_gennaio_2013.pdf.

In order to meet CONI's obligations regarding the principles and rules of ethics, FIGC (Federazione Italiana Giuoco Calcio) adopted its own Code of Sports Justice.²¹⁸ The Code provides rules of conduct and sanctions applicable to the individuals being part of FIGC.

The most important Articles of the Code of Sports Justice can be summarised as follows:

- Article 1- Clubs, directors, athletes, coaches, match officials and every individual carrying out agonistic, technical, organizational, decisional or other relevant activity for FIGC, are bound to the observance of rules and acts issued by the Federation and have to behave according to the principles of integrity, fair play and rectitude;
- Article 6(1) - directors, members and individuals registered with clubs belonging to the professional sector of football cannot place or accept bets, directly or through a third party. This prohibition includes both legal and illegal bets on any matches organised by UEFA, FIFA and FIGC. Violation of the prohibition leads to a minimum ban of two years and a minimum fine of € 25.000;
- Article 6(2) - individuals belonging to the amateur sector or youth teams of FIGC are prohibited of placing illegal bets. Regarding legal bets, the ban is limited to the competitions in which their teams are involved. Violation of the prohibition leads to a minimum ban of two years and a minimum fine of € 25.000²¹⁹;
- Article 7 - individuals who act with a view to altering the performance or the result of a match or competition, or act with a view to ensuring an advantage in the rankings will be sanctioned. Moreover, there is an obligation to report every contact with individuals who acted in order to violate this rule;
- Article 24 - in case of admission of responsibility and active cooperation by the individuals under disciplinary proceedings, the adjudicating bodies can reduce, upon proposal of the Federal prosecutor, the sanctions provided by federal law or commute them in alternative prescriptions or determine them through equity.

During the last decade, various Italian football leagues (Lega Serie B, Lega Nazionale Professionisti (Lega Pro) e Lega Nazionale Dilettanti) have adopted Codes of Ethics, combining them with educational campaigns designed for the athletes in general or young players in particular. For example, the Code of Ethics of the Italian 2nd Division (Serie B)²²⁰ was adopted by the Board in 2012. It lists the values and rules that have to be respected by the individuals to whom the Code applies²²¹ Moreover, according to the preamble of this Code, the Italian Serie B

²¹⁸ A new version of this Code will enter into force on 1st of July 2014. Last update in September 2013 available at http://admin.onedit.it/OnEditAdmin/upload/2/FIGC_CGS_aggiornamento_270913.pdf.

²¹⁹ If the football club is responsible for breaching any of the provisions of Article 6 it could face: "*(...) g) penalization of one or two points in the league ranking (if it's ineffective in the current season, it can be imposed on the following season); h) demotion to the last position of the league ranking, with automatic relegation to the lower division; i) exclusion from the competent league or any other mandatory competition, following the assignment by the Federal Board to a lower division (...).*"

²²⁰ <http://rispettoserieb.it/wordpress/wp-content/uploads/2012/08/Codice-Etico-LNP-Serie-B.pdf>.

²²¹ According to Article. 1.1 of the Lega Serie B Code of Ethics, the subjects of this Code are: "*a. members of the Board, President, Vice-President, General Director, members of The College of the Auditors of Account and members of the Ethics Committee (hereinafter the "Representatives of the League"),*

b. football clubs associated with the League (hereinafter the "Associated");

c. all the personnel of the League, including personnel with terminable contract or part-time and others related;

d. all those who, directly or indirectly, permanently or temporarily, establish the same relations with the League or, anyway, act in order to pursue its objectives;

e. consultants and individuals who have or would like to have commercial relations with the League by themselves or representing a legal person;

will monitor the observance of the Code, inform the interested parties about it and ensure compliance by means of sanctions. According to Article 1.4, violations of these rules will represent a breach of the obligations deriving from the collaboration or employment contract, with any consequences flowing in accordance with the law or the contract. The Lega Serie B is committed to establishing and imposing disciplinary sanctions that are proportionate to the violations, in compliance with employment law. As regards provisions on betting, Article 2.9.2²²² states that the individuals have to avoid any kind of betting on sports, including authorised bets, on matches in competitions organized by the League. Moreover, the individuals have to avoid any situation or activity that could put them in conflict of interest with the League or could interfere with their capacity to assume impartial decisions.²²³

The Code of Ethics of the Italian 3rd Division (Lega Pro),²²⁴ adopted in April 2012, sets the rules and the general principles that have to be followed by Clubs, Directors, Coaches, Athletes and all those who are registered with the League (hereinafter the “subjects”). According to Article 4 (“Principle of Integrity in sport”), subjects to this Code should abstain from any betting activity,²²⁵ considering that this activity could lead, even theoretically, to match fixing. In addition to that, according to Article 13 (included in the Principle of Conduct for Clubs), clubs have to report any activity or information on betting, including legal bets and promote activities and programs of prevention for their athletes, coaches and directors. Furthermore, Article 15 states that directors, coaches, athletes and all the other individuals registered with the Club (hereinafter the “subjects”) are prohibited from betting, including legal bets, on football matches that involve Italian Clubs, including the National teams. The Lega Pro created a specific body tasked with the monitoring of the compliance with the Code: the Ethics Committee for monitoring.²²⁶

The Italian Trade Union for Referees also adopted a Code of Ethics. Article 6.3 of the Code deals with conflict of interest, and foresees that a referee has the duty to immediately inform the Union when taking part in betting activities connected to football competitions. In case of breach, the case is transmitted to the Prosecutor for Referees for a disciplinary proceeding potentially leading to a suspension.

The Italian standard contract does not include any specific provision prohibiting betting. However, it makes reference to the dispositions of the Code of Sports Justice.

f. in general, all those who, in any capacity, operate in the framework of the Risk Areas in behalf of or in the interest of the League (...)."

²²² Included in the obligations of the Subjects of this Code (Article. 2.9).

²²³ Article 2.9.3. further specifies the elements that could lead to a conflict of interest: “i) ownership or capacity of several interests by the same Subject; ii) conflict between those interests; iii) those interests are related to the same activity. Subjects who are in a situation of conflict of interests, actual or potential, should report it to their direct responsible and/or to the Authority of the Code.”

²²⁴ Available at <http://www.lega-pro.com/sito/images/stories/download/in-codice-etico.pdf>.

²²⁵ Legal bets are excluded, also.

²²⁶ According to Article. 8 of this Code, it is formed of 6 members appointed by the President of Lega Pro, after consulting with the Board of Directors and the Supervisory Body. They stay in place for a four-year term.

4.4.15.2 Communication

There is no information to indicate that the federation is actively communicating with stakeholders on those provisions or the potential problem of conflicts of interests more generally.

4.4.15.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided. But there have been many instances, in recent years, of match fixing suspicions and investigations in Italy. However, those have mainly involved complex networks of corrupted individuals, and were not directly related to conflict of interest or the disclosure of insider information.

4.4.16 *Latvia*

To our knowledge, the Latvian Football Federation does not have any rules concerning conflict of interest and betting-related match fixing.

4.4.17 *Lithuania*

4.4.17.1 Normative framework

The main rules concerning conflict of interest and betting are found in the Disciplinary Code of Lithuanian Football Federation (LFF). The 3rd part of Article 44 of the Disciplinary Code of the LFF stipulates that direct or indirect participation of the participants in any bet related to the Competition or other matches where the Clubs of the LFF participate, may be sanctioned pursuant to the Disciplinary Code. Anyone supplying any information (which threatens or may threaten the integrity of competition or of the game, is not public and which one got by virtue of one's position in football) or advising the betting participants on the Competition or other matches where the Clubs of the LFF participate may also be sanctioned pursuant to the Disciplinary Code. In general, the Code applies to, and must be adhered to, by the following natural persons and legal entities: a) Members; b) Employees of the LFF and the Members; c) Clubs; d) Club players and Officials; e) Football players, coaches and referees registered in the LFF; f) Players' agents and representatives of other players (indicated in the 4th Article of FIFA Players' Agents Regulations); g) Match Officials; h) Other associations, unions, organizations and their members and employees related to football and acting in the LFF Territory of Operation; i) Spectators.

The first part of Article 44 (Illegal Influence) of the Disciplinary Code stipulates that direct or indirect taking of, asking, request, suggestion, supply, agreeing to supply or agreeing to take any type of recompense, which could be perceived as a tool to influence the result or the course of the

game, or any such attempt infringing the sport ethics is considered to be a very serious breach of the Disciplinary Code, threatening the integrity of football. Under Article 44.3 of the Disciplinary Code, inside information is considered to be any information which 1) threatens or may threaten the integrity of competition or the match; 2) is not public and 3) is acquired by virtue of one's position in football. The sanctions in case of disclosure of any inside information are included in Article 44. It foresees that a participant in breach of Article 44 may face a disqualification and/or a fine and/ or a ban from participate in specified – or, indeed, any - football-related activity, or other sanctions indicated in the Disciplinary Code. Clubs are jointly liable for fines imposed on players and officials (Article 9.3). Article 5 of the Disciplinary Code lists other potential sanctions.²²⁷

The main football clubs have introduced conflict of interest provisions in their player contracts, stipulating that a player cannot participate in any games of chance, including betting.

4.4.17.2 Communication

There is no indication that those rules are actively communicated to stakeholders and interested parties. At times, some informal sharing of information about suspicious matches does occur, when betting operators share, at their discretion, relevant information with the LFF. Moreover, the LFF has created a help-line, and an email address to which confidential information about suspicious practices (manipulations on sports events, illegal betting or any other kind of corruption in football) can be sent.

4.4.17.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided..

4.4.18 *Luxembourg*

4.4.18.1 Normative framework

Before the latest revision of the statutes adopted by the extraordinary general meeting of 30 November 2013, no specific provisions with regards to betting on sports events existed. However, new rules entered into force at the beginning of the 2014/15 season.

²²⁷ 1. Sanctions applicable to natural persons as Participants: a) caution; b) expulsion; c) reprimand; d) fine (up to 200 000 LTL) ; e) match suspension (disqualification); f) ban from dressing rooms and/or substitutes' bench; g) ban from entering a stadium; h) return of awards (prizes, ranks, premiums, etc.); i) ban from taking part in a particular or any football-related activity.
2. Sanctions applicable to legal entities as Participants: a) caution; b) fine; c) ban from registering players; d) playing a match without spectators; e) playing a match on neutral territory; f) ban from playing in a particular stadium (stadium disqualification); g) annulment of the result of a match; h) defeat by forfeit; i) deduction of points; j) demotion to a lower division; k) exclusion from a particular competition; j) return of awards (prizes, ranks, premiums, etc.).

Thus, a new Article 103 of the bylaws has been introduced, pursuant to which *“any person which is subject to the rules and regulations of the Luxembourg Football Federation (FLF) [i.e. football clubs, and its licensed members], must abstain from any behaviour which affects or may affect the integrity of a football match or a competition which is being organized or authorised by the FLF and [any such person] must completely collaborate with the FLF in order to fight against such behaviour.”*

The same Article continues with a list of potential examples of prohibited behaviour, such as:

- *“influencing or trying to influence a match or the result of a match or competition, through a behaviour which is contrary to the aims of the FLF as explained in the bylaws”;*
- *“participating, directly or indirectly, in bets, or similar activity, with such a match or competition, or holding direct or indirect financial interests in such activities”;*
- *“using insider information, which has been acquired in his activity in football, which do or may influence the integrity of a match or competition”;*
- *“not informing the FLF, immediately and spontaneously, that one has been asked to act in the aim of influencing a match or competition or its results”;*
- *“not denouncing to the FLF, any such behaviours when one is aware of their occurrence”.*

In case of breach of these rules, the wrongdoer faces a sanction that may amount to a suspension, a prohibition to have any activity in football and/or a monetary fine of € 1500. Moreover, a lifetime ban may be handed out in severe cases.

The FLF recommends including provisions in player contracts. There is no model player contract and the FLF does not have a veto right / right to impose specific contractual clauses in player contracts. Therefore, it is unknown to what extent clubs make use of this type of contractual clauses.

4.4.18.2 Communication

The FLF publishes its rules and bylaws on its website. To our knowledge, there is no further communication of the rules.

4.4.18.3 Implementation

As the rules have not entered into force yet, no breach has been recorded.

4.4.19 *Malta*

4.4.19.1 Normative framework

First, the Malta Football Association (MFA) guidelines include provisions concerning conflict of interest and betting-related match fixing, the relevant section is Section IX, Disciplinary Procedures and Sanctions. The rules are implemented by the MFA and deal explicitly with football-related offences, as well as the disciplinary procedures and sanctions to be imposed in instances of breach.²²⁸

The persons who are prohibited from betting on sports events or from disclosing inside information are those persons who fall under the jurisdiction of the MFA: match officials (linesman, referee, assistant referee or fourth official); players; coaches; club officials; MFA Council Members; MFA officials, including the President.

The rules do not extend beyond the sports events in which the person takes part or beyond the sports discipline in which the person is engaged. A breach of any identified rules stipulated under the MFA Statute and Regulations may give rise to civil damages as well as penalties. Concerning betting, Article 14 of the above-mentioned Regulations identifies those instances in which the act of betting shall give rise to civil penalties. In the instance of Clubs, such penalties may include (i) relegation, (ii) loss of points, (iii) fines of up to twenty thousand Euros (€ 20.000), or a combination of the three, depending on the gravity of the case, as described in Article 14. An individual person may be subject to suspension for between 1 and 3 years, depending on the circumstance of the case as defined in the said Article. In the event of a failure to disclose, Articles 8-11 of the Regulations foresee that where players, coaches, referees and members of Clubs have been approached by another person, who had the intention of influencing them to change, in an unsporting manner, the normal course or result of a match by means of a corrupt act or practice, failure to report this occurrence to the General Secretary of the Association within twenty-four hours of being approached, shall be liable to suspension in different degrees, according to the circumstances of the case.

The player contracts include provisions governing conflict of interest. However, this is not the case for all contracts. It is mainly in the last three years that provisions governing conflict of interest in relation to sports betting have started to be included in player contracts. However, the MFA is in the process of amending the abovementioned rules, with the aim of providing standard clauses for player contracts, which would include clauses prohibiting betting.

²²⁸ Section IX, Disciplinary Procedures and Sanctions: <http://www.mfa.com.mt/downloads/5586/pdf.pdf>.

4.4.19.2 Communication

The preventive rules and practices, as identified in Section 1, are communicated by the MFA both online as well as personally at meetings or information sessions. They are communicated to all persons who fall under the jurisdiction of the MFA, and to persons wishing to become members. This communication is done via meetings on a personal level, or targeted meetings organised by the MFA at clubs. It is also noted that the MFA is part of (and is actually chairing) a newly formed committee made up of representatives of the Government's sports and justice ministries, the Attorney General's office, and the national sports council. The Police are also invited to attend meetings of the committee. Finally, there is communication at European level through UEFA.

4.4.19.3 Implementation

According to the legal officer of the MFA, between 2010 and 2013, there have been “*more than 5 but less than 10*” breaches concerning match fixing in general. The MFA has its own prosecutor, detected breaches are submitted to an internal Tribunal, and are also reported to the police.

If the breach falls under Chapter 263 of the Prevention of Corruption (Players) Act, then law enforcement agencies shall be called into play. However, if the breach falls solely under the Malta Football Association, then law enforcement agencies are not directly involved.

4.4.20 The Netherlands

4.4.20.1 Normative framework

The Royal Dutch Football Association (KNVB), the sports governing body for football in the Netherlands, has introduced a provision governing conflict of interest in relation to sports betting. The revised version of Article 2 of the General Regulations for 2013-2014, that entered into force on 15 January 2014 provides that:

“1. In compliance with Article 7 of the Statutes, each member mentioned in Article 6, paragraph 2 a, b and c of the Statutes commits itself to:

[...]

x. ensure that members, players, trainer-coaches, referees, insofar as the latter are not appointed by the KNVB, and other officials refrain themselves from:

- betting on the result, the progress and / or the course of any match or competition in which he participates or participated in that season or in which he, whether directly or indirectly, has or can have some degree of influence;*
- betting on any other matter concerning or relating to any club participating in a competition in which he participates or participated during the relevant season, including but not limited to the transfer of players, the selection of the team or disciplinary sanctions;*

- *betting on the result, the progress and / or the course of any match or competition being played in youth leagues;*
- *other actions aimed at unduly influencing results of matches, including but not limited to, whether directly or indirectly, instructing, allowing and / or enabling someone to enter into the aforementioned bets.*

2. In compliance with Article 7 of the Statutes, each member, mentioned in Article 6, paragraph 2 d and e of the Statutes, commits itself to:

[...]

e. refrain itself from:

- *betting on the result, the progress and / or the course of any match or competition in which he participates or participated in that season or in which he, whether directly or indirectly, has or can have some degree of influence;*
- *betting on any other matter concerning or relating to any club participating in a competition in which he participates or participated during the relevant season, including but not limited to the transfer of players, the selection of the team or disciplinary sanctions;*
- *betting on the result, the progress and / or the course of any match or competition being played in youth leagues;*
- *other actions aimed at unduly influencing results of matches, including but not limited to, whether directly or indirectly, instructing, allowing and / or enabling someone to enter into the aforementioned bets.*

f. notify the board under which they are under the jurisdiction of in writing if they received a request to perform acts aimed at illegally influencing the results of competitions.”

Article 2.1 applies to associations or foundations, while Article 2.2 applies to natural persons. The abovementioned provisions only refer to the betting activity as such; no reference is made to insider information.

The KNVB does not impose any specific contractual standard. In practice, it seems that player contracts typically do not include any specific conflict of interest provisions, but simply refer to existing rules and regulations.

4.4.20.2 Communication

The rules of the federation are communicated to the persons subjected to the rules in question (i.e. the members). The KNVB has set up a prevention and education programme in order to inform members about match fixing. It is in this context that, since 2010, *inter alia* (assistant) referees, clubs (players, trainers, coaches and directors), and the Dutch youth teams have been trained.

4.4.20.3 Implementation

In the Netherlands, there have been no proven cases of match fixing, e.g. manipulation of sports events, so far. However, the KNVB has received several notifications of suspicious games in recent years.

4.4.21 Poland

4.4.21.1 Normative framework

The Polish Football Association has included a specific provision dedicated to betting in its disciplinary code, article 107, it reads as follows:

Article 107

Participation of all the entities subjected to this Code in betting, concluded in the country or abroad, concerning all sorts of football matches to which Polish teams participate, in the country or abroad, is to be sanctioned with:

- a) fine of at least 5.000 PLN,*
- b) disqualification from the competition of at least one year,*
- c) suspension or deprivation of a license,*
- d) deletion from referees, delegates or observers list,*
- e) exclusion from Polish Football Association.*

The Code applies to players, coaches, club officials, referees and agents.

Furthermore, the Resolution No II/12 of 19th May 2002 of Board of Polish Football Association on Rules regulating relations between clubs and professional players foresees that:

Article 22

Section 5

It is prohibited for a professional player to participate in betting activities concerning any sort of league or cup competitions taking place in Poland. In case of infringement of the aforementioned prohibition, regulatory and disciplinary sanctions will be applied, including a possible termination of contract due to the player's breach.

[...]

Section 16

Any infringement of the prohibition of participation in betting activities, concerning any sort of league or cup competitions taking place in Poland, by a professional football player constitutes a gross violation of a player's contractual duties and will result in regulatory and disciplinary sanctions, including a possible terminating of contract due to the player's breach. This prohibition is obligatory ex lege and does not require the implementation of an appendix to the professional football player's contract.

The Code of Ethics of Ekstraklasa SA (Polish highest tier of football league competition) also includes in article 3 a provision banning any kind of betting activity:

Article 3. Betting and corruption

Section 3.1

A representative of a club or Ekstraklasa S.A. is prohibited from indirect or direct participation in:

a) Any betting, gambling or any other sort of gaming activity depending on a win, draw or loss of any team participating in the game.

b) Fixing the result of any game.

Any activity aimed at influencing the result of the game, including receiving or accepting money or gifts by a club's representative, which could influence the result of the game in a manner contrary to fair competition, is inadmissible.

Section 3.2

A representative of a club of Ekstraklasa S.A. is prohibited from:

[...]

b) Supplying anyone with information concerning the club, definitive or probable composition of the team, health status of players or probable team strategy (in any other way than through a press release) in order to receive a profit.

4.4.21.2 Communication

The rules of the Polish football association are duly published on its website. However, to our knowledge, the federation does not engaged in further educational activities on the topic of conflict of interest and match fixing. Nevertheless, the licensing rules of the Polish first division foresee that a club must prove that its senior and junior players participated in a workshop tackling the prevention of corruption in sport and informing them on the dangers related to addiction from gambling.

4.4.21.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided..

4.4.22 Portugal

4.4.22.1 Normative framework

Article 63(2) of the Disciplinary Regulation of the Portuguese League of Professional Football (hereinafter, the LPF Discipline Regulation) covers match fixing. However, to our knowledge, no

specific rules prohibiting people/categories of people from betting on sports events or from disclosing insider information are provided.

The player contracts do not include any provision related to conflict of interest in relation to sports betting. However, the Sports Labour Act (Law No 28/98 of 26 June, amended by Law No 114/99 of 3 August) provides that sports workers shall act, in the course of sports activities, in accordance with rules of sports ethics (Article 13(e)).

4.4.22.2 Communication

No information indicating that the federation is actively communicating on conflict of interest and betting-related match fixing with relevant stakeholders was provided.

4.4.22.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided..

4.4.23 Romania

4.4.23.1 Normative framework

The normative framework is constituted mainly by the Disciplinary Rules issued by the Romanian Football Federation (RFF), which were last amended on 1 November 2013, and in particular Article 60 on Corruption/Sport Betting/Integrity of competitions. Also of significance is a Plan for Prevention and Fighting against match fixing, adopted on 17 February 2012 by the RFF (“Prevention Plan”) and a Collaboration Protocol concluded between RFF and the Romanian Bookmakers (the Romanian Betting Organisers Association) on 25 May 2012.²²⁹

The Disciplinary Rules issued by the RFF are applicable to a large array of persons/individuals:

- The RFF members and their representatives and the representatives of the Professional Football League (PFL), which comprises all football clubs in the First Romanian Football League;
- The sponsors and financing individuals for the football clubs;
- Any other individuals reputed to be connected to a certain football club;
- The football players;
- The match/game officials;
- The agents of the players and of the game/match;

²²⁹ This document is not public and only press releases by the two signatory parties have been issued, giving very limited details on the content of the Collaboration Protocol.

- The individuals authorized by RFF, PFL, county or Bucharest football associations or a football club to engage in activities related to a football game, competition or other events organized by such bodies; and
- The football spectators.

Furthermore, the Disciplinary Rules contain in Rule 60.4 a general sports betting ban covering individuals who (a) directly or indirectly take part in betting or other similar activities involving football games part of competitions organized under the aegis of FIFA/UEFA/RFF/PFL/county football associations; or (b) have a direct or indirect financial interest in these activities. The Disciplinary Rules are silent as regards the categories of individuals that are subject to the prohibition and a non-restrictive reading of the prohibition would lead to a counter-intuitive conclusion that football spectators would also be prohibited from sport betting. The Disciplinary Rules also impose, in Rule 60 bis, a general duty for all individuals bound by the RFF regulations to abstain from any type of behaviour, which affects or may affect integrity of football games and competitions. Rule 60 covers also the use and supply of confidential information which the individual holds as a result of his position within a football-related activity and which threaten or may threaten the integrity of a football game or competition organized by RFF/PFL/county football associations. UEFA/FIFA football games or competitions are not listed in this provision.

A breach in the Disciplinary Rules dealing with sports betting and integrity can be sanctioned as follows:

- (i) a ban on taking part in any football-related activity for two years; and
- (ii) a penalty of RON 300.000 (approximately € 66.300).

An attempt to perform such activities is also sanctioned, with a penalty between the general minimum of RON 15 (approximately € 3.30) and RON 1.000.000 (approximately € 221.000). Moreover, the jurisdictional body will confiscate all financial benefits involved in the breach and such benefits will be used in financing football development programs. However, in the case of sports betting-related disciplinary transgressions, RFF/PFL/county football associations are not obliged, according to the Disciplinary Rules, to refer the situation to the prosecutor's office.

Finally, any individual which makes an arrangement in order to influence a match result contrary to the sport ethic is sanctioned with a one to two-year ban from any football-related activity and a penalty of at least RON 200.000 (approximately € 44.200). In severe cases, the jurisdictional authority may decide to declare that individual as persona non grata (Rule 61 of the Disciplinary Rules). A persona non grata will not be allowed in football organizations and will not (a) be allowed to take part in football-related activities, either as a volunteer or under a paid position (elected or nominated) within RFF/PFL/county football associations or sports structures affiliated to RFF/county football associations; (b) be able to represent a club/county football association affiliated to RFF/PFL; and (c) be allowed in dressing rooms, access tunnels, on the field or the substitutes' bench during any official or friendly match. A football club which does not publicly distance itself from the activities, position or declaration of a persona non grata is sanctioned with a three to six points penalty and a fine between RON 100.000 (approximately € 22.000) and RON 500.000 (approximately € 110.500).

The contracts concluded with football players include both prohibitions from betting on football games and disciplinary sanctions for the breach of such prohibition (generally a wage cut of up to 25%). Contractual restrictions take into account the fact that a player contracted by a football club generally has access to insider information about other players or other clubs which take part in the same competition, which would not be available to him if he were not under an agreement with that football club (such as player injuries or even emotional status before a certain football game).

4.4.23.2 Communication

The communication of the rules and practices of the RFF on this matter is limited to their availability on its website.

4.4.23.3 Implementation

Until now, no inquiry or suspicion has led to a sanction by the Romanian federation. However, the press has mentioned potential breaches. In 2012 a famous sports newspaper investigated (using insider information from individuals whose identity is not disclosed) a match fixing scandal, identifying seven suspected football games organized in the PFL and in the second national football league, to no avail. Also, the integrity officer appointed by UEFA at the RFF stated that, between 2010 and 2012, UEFA had signalled to the RFF that three suspicious football games had taken place in the second national football league. After interviewing players, coaches and football clubs leaders, no action was taken.

4.4.24 Slovakia

4.4.24.1 Normative framework

The Slovak Football Association (SFZ) has adopted a wholly new Disciplinary Code on 05 November 2013. The disciplinary code (hereinafter DC) includes several rules governing conflicts of interest in relation to sport betting and in relation with abuse of non-public inside information; these rules are enshrined under Article. 52 DC “Violation of the regularity of competition”:

- “1. Anyone has to avoid any conduct which causes or may cause a violation of regularity of the competition.*
- 2. The regularity of competition is violated, if a player, member of a realization staff, functionary of a club, players’ agent, member of a body of SFZ or member of a body of member of SFZ or other SFZ member*
 - a) unlawfully or without permission influences the proceeding or result of a competition with an aim to gain an unjustified advantage for him or for someone else,*

- b) is participating directly or indirectly on betting or similar conduct in relation with competition or if someone has direct or indirect unjustified financial profit on such an conduct,*
- c) use or provides to someone else an information, which is not published, which he/she has obtained in relation with his/her function or position in football and which violates or is able to violate the regularity of competition,*
- d) will not notice immediately and voluntarily the body governing a concrete competition or SFZ, that he/she has been contacted in relation with conduct, which causes or may cause a violation of regularity of the competition,*
- e) will not notice immediately and voluntarily the body governing a concrete competition or SFZ any other conduct violating the regularity of competition.*
- 3. Who commits a disciplinary offence under*
 - a) section 2, letter a) without bribe or any other advantage or without promise of it, will be sanctioned by ban on sport activity or ban on other than sport activity or ban on exercising the function on 4 up to 12 month or also other disciplinary measure under this DC*
 - b) section 2, letter a) for a bribe or any other advantage or promise of it, will be sanctioned by ban on sport activity or ban on other than sport activity or ban on exercising the function on 6 month up to 10 years or also other disciplinary measure under this DC.*
 - c) section 2, letter b) till e) will be sanctioned by ban on sport activity or ban on other than sport activity or ban on exercising the function on 1 year up to 10 years or also other disciplinary measures under this DC.*
- 4. Who commits disciplinary offence under section 3 letter b) or c) in more cases, repeatedly or in serious manner, will be sanctioned by ban on any activities related to football under Article. 21 sec. 3.*
- 5. Team, which player or member of realization staff commits an offence under sec. 2, will be sanctioned by annulment of the result of the match, excluding from competition, contumaciousness, deduction of points, relegation to lower league, or also other disciplinary measures under this DC, this applies also if this disciplinary offence was committed by a functionary in behalf of a club, which team is in this competition.*
- 6. Club, which player, member of a realization team, functionary or other member commits disciplinary offence under sec. 2, will be sanctioned by fee or other disciplinary measure under this DC.”*

The SFZ does not provide a standard player contract. But, according to common practice, clubs include provisions related to the prohibition of betting and insider information in the contracts.

4.4.24.2 Communication

There is a very informal exchange of information between SFZ and betting operators on suspicious or risky events in relation with match fixing. At the international level, there is only informal communication between SFZ and the integrity officer from UEFA. Nevertheless, in practice, this interaction provided the main impetus for the adoption of Article 52 of DC SFZ.

4.4.24.3 Implementation

No information indicating that the rules have been enforced in a specific case was provided... However, cases involving more classical match fixing triggered by corruption have occurred recently (in 2013). The federation has been collaborating actively with the police in investigations concerning alleged criminal activity.

4.4.25 Slovenia

4.4.25.1 Normative framework

The Slovenian Football Association (FAS) does not directly regulate betting-related conflict of interest. However, it disposes of general provisions concerning integrity threats (Art.50 FAS Statutes). Furthermore, usually the player contracts include provisions related to preserving the integrity of competitions.

4.4.25.2 Communication

The rules are communicated, via circular letters, to relevant football stakeholders (regional football associations, clubs, and player's union, coaching and refereeing associations). The communication at the international level goes through the UEFA integrity officer.

4.4.25.3 Implementation

Due to the absence of specific provisions concerning conflict of interest, no case has been registered. More broadly, only a few match fixing cases have occurred. Those triggered procedures under national criminal law and suspensions under FAS disciplinary regulations.

4.4.26 Spain

4.4.26.1 Normative framework

Members of the Royal Spanish football federation (RFEF) are “[n]ot to take part either directly or indirectly in sport betting or any similar activity associated with competitions organized by the RFEF, and are not to have a direct or indirect economic interest in any of these”.²³⁰ Further, Article 169.3 of the Regulations of RFEF restricts the possibility for referees to engage into

²³⁰ Article 5 2. F) Rules and regulations of the Royal Spanish Football Federation (RFEF).

betting.²³¹ Finally, Article 75bis Disciplinary Code RFEF indicates that “[t]he participation of football players, coaches, executives, referees and, in general, people who belong to a federation, in betting and/or games that enjoy economic rewards and that have a direct or indirect relationship with the match in question, will be considered as a very serious infraction...”. Thus, a wide range of sanctions can be imposed on the potential wrongdoers:

- “1. The participation of football players, coaches, executives, referees and, in general, people who belong to a federation, in betting and/or games that enjoy economic rewards and that have a direct or indirect relationship with the match in question, will be considered as a very serious infraction and, besides the imposed fine of 3.006 to 30.051 Euros, one or several of the following sanctions will also be imposed:*
- Loss of the match in the terms specified in Article 59 of the present disciplinary code.*
 - Three point reduction in the qualification.*
 - Fall in category.*
 - Playing of matches in a neutral ground.*
 - Closure of the sport premises for the duration of four matches up to a whole season.*
 - Disqualification from occupying positions in the federation, or a suspension or loss of licence, for a duration of two to five years.*
 - Loss of license with a permanent character; such a sanction will only be allowed to be imposed as an exceptional measure in case of reoccurrence in highly serious offences.*
- 2. When this infraction is committed by someone with executive status, he/she will be sanctioned as author of Disciplinary Code infraction as well as the fine aforementioned, with one of the following sanctions:*
- Public warning.*
 - Disqualification for a duration of two to five years.”*

The Spanish Football Federation has disciplinary authority over all persons and entities that are part of its structure. This includes all players, club managers, coaches, referees and, generally, all entities whose sports activities are performed within the Spanish territory. Persons and bodies to whom the aforementioned prohibitions apply include individuals that have a regular relationship with entities forming a part of RFEF. However, this does not cover family members of the players. Moreover, the offence must occur during a match connected directly, or indirectly, to a competition organized by RFEF.

In addition to these provisions, clubs have started to introduce prohibitions on betting into players’ contracts.

4.4.26.2 Communication

No information indicating that the federation is actively communicating with stakeholders on those provisions or more widely on conflict of interest linked to betting in general was provided.

²³¹ Regulations RFEF - Article 169. Incompatibility system (Referee) - 3. Taking part in betting and/or games, with economic rewards, is totally incompatible with the referee function in any model of football. Such forbidding includes the entire referee team: referees, referee assistant and delegates-informants.

4.4.26.3 Implementation

Over the last four years, there have been several cases in Spain involving disciplinary offences, and potential breaches of the conflict of interest provisions. However, there has not been any ban imposed on a player, a technical staff member, a manager, a referee or a person belonging to the federation, yet. In this sense, the major obstacles in prosecuting match fixing cases are operational rather than legal: difficulties in getting sufficient evidence for disciplinary/criminal charges, lack of expertise, low level of awareness or no political willingness are some of the barriers identified to undertaking legal proceedings.

Hércules - Santander case

In July 2013, the Liga de Fútbol Profesional (LFP) initiated disciplinary proceedings against Real Racing Club de Santander, SAD (hereinafter “Racing”) and Hércules de Alicante Club de Fútbol, SAD (hereinafter “Hércules”) for alleged match fixing concerning the match played at El Sardinero Stadium between the two teams on 8 June 2013. UEFA released a report stating that players from both teams had fixed the game with a view to making a profit through betting. The high volume of wagers placed on the event, unusual for a game in the Spanish Second Division, alarmed UEFA’s Betting Fraud Detection System. Sports betting experts based their suspicions on the high stakes placed on the match ending with more than two goals being scored (€ 750.000) and for Racing to win the match. The match ended 3-0, after Hercules wasted several chances in the first 45 minutes of the match. The preliminary report made by the Instructor of the case (handling of confidential information), stated that there was “no doubt Racing and Hércules benefited from the fraudulent conduct”. The silence of the Hércules players on the alleged fraudulent conduct was regarded as evidence that the match was fixed. The prosecutor asked for disciplinary proceedings to be opened against the clubs involved and requested, as a precautionary measure, that Hércules be declined its place in the Spanish Second Division. In mid-August, the Disciplinary Committee of the LFP decided not to open any disciplinary proceedings regarding the match. At the request of the Anti-Corruption Prosecutor, the case continues to be investigated by the criminal courts and the National Police.

Levante – Deportivo Case

This case concerns an alleged match fixing during a game played between Levante and Deportivo La Coruña on 13 April 2013, which concluded with a 0-4 victory to Deportivo. At the request of the Anti-Corruption Prosecutor, the case continues to be investigated by the criminal courts and the National Police.

Xerez – Hércules Case

Suspensions of match fixing regarding the match played at the Chapin Stadium between second division clubs Xerez and Hércules on 7 April 2013, led to major bookmakers (Interwetten Bet365, Bwin and William Hill) closing the market on this match and removing it from their websites. The main reason for the withdrawal was the amount of money put on a loss of Xerez. However, the bookmakers did not gather any specific evidence that could lead them to disclose the decision. In this case, suspicions of fixing soared considering the position of both teams in the standings and Hércules’ background of sporting fraud investigations.

4.4.27 *Sweden*

4.4.27.1 Normative framework

The relevant rule governing betting-related match fixing adopted by the Swedish Football Federation (SvFF), can be found in Article 27 of the SGB's Rules of Competition (Tävlingsbestämmelser). Article 27 states:

“Player, leaders, referee or others that may affect the outcome of a match or a subpart of a match, must not himself or through an agent, whether within or outside the country, bet on the result of the match or other circumstance relating to the game of whatever kind it may be, including but not limited to the end result of the game or different competitive element in the game such as free kicks, corner kicks, penalty kicks, cautions or expulsion of players.

It is also prohibited to attend or otherwise contribute to such manipulation as stated above regardless of whether the person himself or by proxy has been involved in betting.

If a player, coach, referee or other that may affect the outcome of a match or a subpart of a match are approached by anyone to contribute to betting or other manipulation in the manner indicated, the person is obliged to immediately inform SvFF about this.

Anyone who participates or attempts to participate in the manipulation as described above must be reported to punishment pursuant to Chapter 14 of the bylaws of the Swedish Sports Confederation (Riksidrottsförbundet or “RF”).

Anyone not covered by the disciplinary rules of the RF may be suspended for a certain time or in perpetuity. The Disciplinary Committee's decision may be appealed to the Board of Appeal.”

Furthermore, according to the Swedish Sports Confederation (RF), the recently adopted guidelines regarding match fixing recommend that players, leaders or other functionaries shall refrain from betting not only on matches where they participate, but also on other matches of the same league. In the meanwhile, the RF is considering a revision of the RF's bylaws, which are applicable to all Swedish sports. This potential revision would put forward the adoption of a separate regulation concerning match fixing.

The sanctions applicable follow from the bylaws of the Swedish Sports Confederation (Riksidrottsförbundet), which is the top organisation for all sports in Sweden. Chapter 14 of the by-laws lists the actions considered as breaches and the sanctions incurred. The sanctions in case of a breach are 1) reprimand, 2) fines and 3) suspension. Fines may be issued up to an amount of

SEK 500 000 (about € 55.000). Suspension may mean either a ban from taking part in a specific competition, or a ban from performing an assignment within the sport whereby the breach has been committed. If the breach is severe, a suspension may be extended to comprise sporting activities within all sports organised under the Swedish Confederation rules.

Player contracts do not generally include explicit provisions governing conflict of interest in relation to sports betting. However, regarding professional players the clubs are obliged to use the standard contract provided by the SvFF, which includes a general reference to regulations issued by the sports organisations. In this regard, the player contracts indirectly oblige players to comply with the relevant regulations concerning match fixing. Moreover, according to the co-ordinator against match fixing at the RF a standard contract for football referees has been introduced, which includes provisions regarding conflict of interest. A similar standard contract is envisaged for players, or at least the use of a standard clause, which could be included in standard contracts used by the SGB for the different sports organised under RF.

4.4.27.2 Communication

The RF has during the last year intensified its work against match fixing. Several measures and strategies have been initiated or are planned for 2014. The main innovation of this new strategy has been the appointment of a coordinator against match fixing and the introduction of a website. In the spring of 2013, the RF and Svenska Spel (the state-owned betting operator) concluded a contract that runs until the spring of 2015. The contract entails that a full-time employment be created at the RF – a coordinator against match fixing. The person will be in charge of the fight against match fixing within the sports organised under RF. This includes providing information and educational support to the different SGB's and coordinating measures taken at different levels within the different sports disciplines. The coordinator will also be tasked with the cooperation with government agencies, international organisations, betting operators, researchers and other stakeholders.

Moreover, the strategy against match fixing includes setting up a web site specifically designed for informing relevant stakeholders within all sports disciplines about match fixing. The recently (in January 2014) adopted guidelines are to be communicated broadly. In addition, there are some plans of developing an educational program, which may be used by the different SGB's to communicate the relevant rules to all members of the SGB's. The SvFF is closely observing the measures taken by the Swedish Sports Confederation (RF). In the meanwhile the SGB for Football is in the progress of developing a strategy of its own for preventing match fixing. The aim is that the regulations concerning match fixing shall be known by all players, referees, functionaries or others active in Swedish football for the start of the 2014 season. To this end, the SvFF will rely on its regional organisations, which will be responsible for the diffusion to the local clubs and its members.

Finally, the SvFF is negotiating a new sponsoring agreement with the betting operator Svenska Spel. In this agreement, specific wording concerning the fight against match fixing is to be included, leading to the appointment of an "integrity officer" by the federation. Moreover, the

SvFF and RF, are cooperating informally with the relevant authorities and with the betting operator Svenska Spel. It is also worth mentioning that the players' union (Spelarförbundet) is also involved in this regard. Indeed, on its website one can find a short summary of the most important elements as regards match fixing as well as a full reference of the regulation in Article 27 of the SGB's Rules of Competition (Tävlingsbestämmelser).

The federation communicates its rules and practices to UEFA via the integrity officer.

4.4.27.3 Implementation

Historically, Sweden seems to have been immune to large-scale match fixing, or at least, only a few breaches have been reported. In 2012 a suspected case of match fixing concerning a football match in the second division was investigated. The complaint was filed by Svenska Spel, which had observed suspicious gambling patterns within a limited geographical area. The case did not receive any media attention and has not resulted in any prosecution so far.

The only case involving match fixing that seems to have resulted in sanctions for the participants, is a case concerning players from the club Gunnilse IS in the third division. In this instance, four players were convicted by the disciplinary board of the SvFF and sentenced to bans of 1,5 – 2 years. All of them have appealed before the Appeal Board of the RF. According to press report, the police has also initiated an investigation against the players based on the prohibition against bribery in Article 5a of Chapter 10 of the Swedish Penal Code. As far as we know, the investigation has so far not resulted in any prosecutions.

Furthermore, during the second part of 2013, an increasing number of matches have been reported for suspicions of match fixing. In total, 10-15 different matches have been investigated, or are still under investigation by the SvFF and/or the police.

The police authority and the Swedish Prosecution Authority are involved in the enforcement of the criminal provisions enshrined in the penal code. Since betting-related match fixing is regarded as a crime related to corruption, it is the special unit called The National Prosecution Office against Corruption (Riksenheten mot korruption) that handles all cases concerning bribery in relation to match fixing.

4.4.28 United Kingdom

4.4.28.1 Normative framework

a) The English FA

The Rules of the English Football Association (FA) concerning betting are found at Article E8 and state:

“(a) A Match Official, referee coach or referee assessor operating at level 1, 2 or 3 shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

(i) the result, progress or conduct of any Match or Competition as defined in Rule A2; or

(ii) any other matter concerning or related to football sanctioned by the Association including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters; or

(iii) the result, progress or conduct of any other match or competition in which he or she officiates. The terms ‘match’ or ‘competition’ as used in sub-paragraph 8(a)(iii) refer only to football matches or competitions which are not within the definition of Match or Competition in Rule A2, and include any football match or competition sanctioned by UEFA, or FIFA, or by any other association, federation or governing body.

(b) Save for those Participants subject to the prohibition in sub-paragraph (a), a Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

(i) the result, progress or conduct of a match or competition:

(A) in which the Participant is participating, or has participated in that season; or

(B) in which the Participant has any influence, either direct or indirect; or

(ii) any other matter concerning or related to any Club participating in any league Competition, as defined in Rule A2, that the Participant is participating in or has participated in during that season, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters. For these purposes, without limitation to the application of this Rule to other circumstances, all Employees of a Club are deemed to participate in every match played by that Club while they are so employed; all Players registered with a Club are deemed to participate in every match played by that Club while they are so registered.

(c) Notwithstanding the provisions of sub-paragraphs 8(a) and (b) a Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet, on the result, progress or conduct of any match played at under 18 level or below. The terms ‘match’ or ‘competition’ as used in sub-paragraphs 8(b) and (c) include all Matches and Competitions as defined in Rule A2, and also any other football match or competition which is not within the definition in Rule A2, including any football match or competition sanctioned by UEFA, or FIFA, or by any other association, federation or governing body.

(d) A Participant shall not use any information relating to football which the Participant has obtained by virtue of his or her position within the game and which is not publicly available at that time for, or in relation to, betting.

(e) Where a Participant provides to any other person any information relating to football which the Participant has obtained by virtue of his or her position within the game and which is not publicly available at that time, the Participant shall be in breach of this Rule where any of that information is used by that other person for, or in relation to, betting.

(f) It shall be a defence to a charge brought pursuant to sub-paragraph

(e) if a Participant can establish, on the balance of probability, that the Participant provided any such information in circumstances where he did not know, and could not reasonably have known, that the information provided would be used by the other person for or in relation to betting.”

In case of breach, Article 8 of the Regulations for Football Association Disciplinary Action for 2013-2014 foresees the following penalties:

“8.1 The Regulatory Commission shall have the power to impose any one or more of the following penalties on the Participant Charged:

- (a) a reprimand and/or warning as to future conduct;*
- 1. (b) a fine;*
- 2. (c) suspension from all or any specified football activity from a date that the Regulatory Commission shall order, permanently or for a stated period or number of matches;*
- 3. (d) the closure of a ground permanently or for a stated period;*
- 4. (e) any order which may be made under the rules and regulations of a Competition in which the Participant Charged participates or is associated, which shall be deemed to include the deduction of points and removal from a Competition at any stage of any Playing Season;*
- 5. (f) expulsion from a Competition;*
- 6. (g) expulsion from membership of The Association or an Affiliated Association;*
- 7. (h) such further or other penalty or order as it considers appropriate.”*

Moreover, the Premier League regulations include also a specific provision related to sponsorship agreements with a betting operator.²³² More specifically, rule J.5 provides that *“prior to entering into (or performing any aspect of a Gambling Related Agreement the Club shall procure that the other party (or parties) to the Gambling Related Agreement shall enter into an agreement with the League”*. The rule also provides for the detailed conditions to be included in such an agreement.

The Premier League standard player contract does not include a specific conflict of interest provision. However, some of the broad behavioural contractual clauses (3.1 and 3.2), stating what a player may or may not do, might be applicable to betting.

b) The Scottish FA

The relevant regulations of the Scottish FA in respect to betting-related match fixing are contained within Article 26 of its Articles of Association and state that:

“26.1

A club, official, Team Official or other member of Team Staff, player, referee or other person under the jurisdiction of the Scottish FA shall not bet in any way on a football match. Any such club or person found guilty of betting of any description on football, authorised and registered football pools excepted, shall be deemed guilty of misconduct and shall be liable to fine, suspension, expulsion or any other penalties or conditions which the Judicial Panel may think proper.

26.2

A club, official, Team Official, other member of Team Staff, player, referee or other person under the jurisdiction of the Scottish FA knowingly behaving in a manner, during or in connection with a match in which the party has participated or has any influence, either direct or indirect, which could give rise to an event in which they or

²³² Rule J.5, Section J. Miscellaneous, Premier League Handbook 2013-2014, p.128.

any third party benefits financially through betting shall be deemed guilty of serious misconduct and shall be liable to a fine, suspension, expulsion or any other penalties or conditions which the Judicial Panel may think proper.”

Further, the Disciplinary Rule 34 included in the Judicial Panel Protocol 2013-2014 at Annex A stipulates that:

“No club, official, Team Official, other member of Team Staff, player, match official or other person under the jurisdiction of the Scottish FA shall knowingly behave in a manner, during or in connection with a match in which and/or the party has participated or has any influence, either direct or indirect, which could give rise to an event in which they or any third party benefits financially through betting.

In case of breach, it foresees as an appropriate sanction the “[t]ermination of membership and/or Expulsion from participation in the game”, but also fines, the amount of which is specified in Rule 34.”

c) The Irish FA (Northern Ireland)

The IFA Football Regulations include two provisions concerning conflict of interest and betting-related match fixing. Rule 25 stipulates that: *“All referees are forbidden from taking part, either directly or indirectly, in betting and similar events or transactions connected with football matches in which they are officiating or otherwise involved”*.

While, Rule 32 indicates that: *“All players and officials are forbidden from taking part, either directly or indirectly, in betting and similar events or transactions connected with football matches within their own League or competition in which they or their Club are involved”*.

4.4.28.2 Communication

The English FA organizes promotional events²³³ and cooperates closely with the UK Gambling Commission through its Sports Betting Intelligence Unit (SBIU). Under the auspices of the UK Gambling Commission the SBIU collects information and develops intelligence about potentially corrupt betting activity involving sport. Members of the SBIU receive information from a number sources which includes (but is not limited to) alerts from operators about suspicious activity on betting markets, concerns from sports governing bodies or tip offs through a confidential intelligence line.

4.4.28.3 Implementation

²³³ Available at <http://www.thefa.com/football-rules-governance/more/betting-and-integrity> and <http://www.thefa.com/~media/files/thefaportal/governance-docs/betting/fa-betting-booklet-2012-version.ashx>.

The English FA has been very active in terms of implementing its provisions on betting. Indeed, most recently, many cases have been investigated.²³⁴ The FA has been sanctioning players as well as managers²³⁵ and club executives²³⁶. On these occasions it has handed out substantial fines and bans.

The Scottish FA recently had to deal with two cases involving football players.²³⁷ On the basis of Disciplinary Rule 33, the FA imposed a six-match suspension on Michael Moffat, who had placed seven bets on his own club and 150 on football matches in general. In a case concerning Ian Black, it gave a 10-match ban and a £7,500 fine on a player who had betted 10 times on his own club (and more importantly 3 times on the defeat of his own club), and on 147 other matches.

We have no indications that the Irish FA had taken any action so far.

Finally, in its annual report for 2010/2011, the Gambling Commission reported that 197 betting integrity issues (sport in general; no specific figures for football) had been referred to it since September 2007 with investigations being conducted by the Commission resulting in successful collaborations with relevant police forces and/or sports governing bodies. In 2011/2012, the UK Gambling Commission's Sports Betting Intelligence Unit (SBIU) had 55 infringement referrals (sport in general; no specific figures for football).

4.5 Analysis and conclusions

The football governing bodies, especially UEFA and FIFA, have been very concerned and aware of the potential risks linked with conflict of interest and betting activities.²³⁸ This is a matter taken seriously, at least on paper, mainly because it threatens potentially the whole football economy.

4.5.1 UEFA and FIFA as global monitoring bodies

UEFA and FIFA have introduced comprehensive normative frameworks to capture conflict of interest situations. Moreover, UEFA has developed a network of national integrity officers in

²³⁴ The latest case are available on the English FA website: <http://www.thefa.com/news/governance/2013/dec/afc-hayes-lawrence-shennan-ben-goode-chevy-hart-betting>; <http://www.thefa.com/news/governance/2013/aug/robert-heys-betting-charge-050813>; <http://www.thefa.com/news/governance/2013/aug/cameron-jerome-charged-050813>; <http://www.thefa.com/news/governance/2012/jul/george-rolls-charges-betting-regulations>; <http://www.thefa.com/news/governance/2014/apr/dexter-blackstock-charged>; <http://www.thefa.com/news/governance/2014/apr/ronnie-moore-admits-an-fa-charge-for-misconduct-in-relation-to-betting-080414>; <http://www.thefa.com/news/governance/2014/mar/daniel-gosling-fined-betting-misconduct>; <http://www.thefa.com/news/governance/2014/feb/gary-calder-banned-280214>.

²³⁵ <http://www.thefa.com/news/governance/2014/apr/ronnie-moore-admits-an-fa-charge-for-misconduct-in-relation-to-betting-080414>.

²³⁶ <http://www.thefa.com/news/governance/2014/feb/gary-calder-banned-280214>.

²³⁷ The latest case are available on the Scottish FA's website at

http://www.scottishfa.co.uk/scottish_fa_news.cfm?page=1848&newsID=12485;

http://www.scottishfa.co.uk/scottish_fa_news.cfm?page=1848&newsID=13000.

²³⁸ But also FIFPro : 'Code of Conduct to tackle match fixing,' FIFPro Press Release Code, 3 March 2014, available at <http://www.fifpro.org/en/news/code-of-conduct>; See the work of the UEFA Professional Football Strategy Council bringing together the football stakeholders : 'Protecting the integrity of the game', UEFA Press Release, 28 March 2013, available at <http://www.uefa.org/stakeholders/professional-football-strategy-council/news/newsid=1935156.html>.

charge of cooperating with national federations in order to reinforce the local fight against match fixing and integrity threats:

However, in practice, neither has been directly involved in the legal enforcement of the provisions related to conflict of interest. Indeed, their jurisdictional boundaries, limited to the competitions they organize, do not enable many cases to arise at FIFA or UEFA level. Rather, the role of those institutions is one of active support, especially through the transmission of crucial information thanks to a European-wide (and world-wide) monitoring of the betting markets, to the national SGBs, which bear the brunt of the enforcement process. Indeed, many of the cases uncovered and investigated at the national level have been flagged by UEFA or FIFA through their monitoring capabilities, highlighting the essential role they play in this regard. FIFA is also tasked with extending the sanctions adopted by national federations worldwide.²³⁹

FIFA and UEFA play also an essential part in pushing for the adoption of rules at national SGB level. However, there is a need for an even closer monitoring of the implementation of conflict of interest rules at national level. Indeed, our survey shows important variations in the relevance of existing national rules in practice. FIFA and UEFA should therefore differentiate between national contexts and focus their attention on national SGBs experiencing difficulties in implementing conflict of interest provision.

4.5.2 *National federations as watchdogs*

In practice, National Federations seem to be the real watchdogs. Despite the proactivity of FIFA and UEFA, national SGBs are the key players deciding if and how the rules will be enforced. As our study shows, the picture is contrasted; some federations have developed powerful normative frameworks and institutional mechanisms to enforce them²⁴⁰, other lack proper rules or proper enforcement and sometimes both. However, without an in depth comparative study of each regulatory context, which is beyond the scope of this study, it is very difficult to fully assess the quality and the efficiency of a specific regulatory framework.

While in many instances rules tackling conflict of interest have been introduced²⁴¹, we sometimes lack a clear view of their practical effects. Many federations do not report any breaches, this might be a sign of lacking enforcement capabilities, but it is impossible to assess it properly *in abstracto*. Furthermore, many federations do not report any substantial policy on communicating and spreading knowledge and awareness about rules applying to conflict of interest and match fixing. This is regrettable, not least because preventive measures are usually less costly and more efficient than *a posteriori* monitoring.²⁴² Here again, FIFA and UEFA could do more by providing

²³⁹ On the importance of supervision and monitoring tools introduced by FIFA and UEFA see, K. Carpenter, 'Match fixing - The Biggest Threat to Sport in the 21st Century?', [2012] I.S.L.R., Issue 2, pp.13-24, at 21-22.

²⁴⁰ For example of best practices: Sweden, English FA, Scottish FA, France, Germany, Denmark, The Netherlands, Malta, Estonia.

²⁴¹ To our knowledge, only Bulgaria and Latvia have not introduced any rules.

²⁴² Also emphasizing the role of education see K. Carpenter, 'Match fixing - The Biggest Threat to Sport in the 21st Century?', [2012] I.S.L.R., Issue 2, pp.13-24, at 22 & 24 and A. Smith, 'All Bets Are Off: match fixing in Sport – Some Recent Developments', *Entertainment and Sports Law Journal*, Volume 9, 2011, at §60-63 available at <http://go.warwick.ac.uk/eslj/issues/volume9/number1/smith>.

extensive pedagogical material and support to national federations and by encouraging them, under the shadow of disciplinary threats, to actively pursue such educational programs.²⁴³ In fact, FIFA and UEFA are already providing useful educational programmes and materials, however, these programmes should be better targeted. Indeed, sessions and workshops need to be organized at a local level, chiefly where little is done by the national SGBs.

Moreover, the correlation between match fixing and the difficulty for some players to get paid has been highlighted by FIFPro.²⁴⁴ Indeed, certain players have had recourse to match fixing in order to make ends meet, while they had not been paid for long periods.²⁴⁵ Such a dire fate does not justify the recourse to criminal behaviour, however it highlights the fact that the context which leads to match fixing needs to be taken properly into account when devising strategies to combat it. In that sense, FIFA and UEFA should make use of their disciplinary power to limit abuses against players uncovered in certain federations.

Similarly, we did not have the time and resources to comprehensively assess the relationship between national federations and public bodies in each Member State. However, the close cooperation between public entities and SGBs is key to a successful enforcement of the conflict of interest rules. In fact, when such a close cooperation exists we have evidenced that both the normative and institutional framework are stronger, but also that it is more difficult to escape the regulatory net.²⁴⁶ Conversely, when public authorities are not, or weakly, supporting the national SGBs, the enforcement of the rules is both weaker and more difficult to assess due to a lack of transparency.

In conclusion, we recommend putting an extensive focus on national SGBs, which constitute the key actors in this matter. The focus should be on their regulations and implementing actions. This assessment, as will be highlighted in the next section concerning tennis, is specific to the institutional context of football governance.

²⁴³Both FIFA and UEFA have developed powerful pedagogical tools in this regard, however they have not yet reached their principal targets secondary professional players, in secondary football markets. (<http://www.uefa.org/disciplinary/match-fixing-prevention/education/index.html>; <http://www.fifa.com/aboutfifa/organisation/footballgovernance/FIFA-security/e-learning.html>; <http://www.fifa.com/aboutfifa/organisation/footballgovernance/news/newsid=2198144/index.html>).

²⁴⁴ See the statistics in FIFPro Black Book for Eastern Europe, 2012, available at media.sindikatfudbalera.com/2012/05/FIFPro-Black-Book.pdf.

²⁴⁵ For an example see 'Mario Cizmek: Why I became a match-fixer', Play the Game, 28 October 2013, available at <http://www.playthegame.org/news/detailed/mario-cizmek-why-i-became-a-match-fixer-5671.html>.

²⁴⁶ See for examples: English FA, Sweden, Denmark, or the Scottish FA.

CHAPTER 5 CONFLICT OF INTEREST PREVENTION IN TENNIS

5.1 International regulations governing betting-related match fixing*5.1.1 Normative framework*

Professional tennis is mainly played at a transnational level. Hence, there is a specific need to scrutinize the regulatory system put in place by the Women's Tennis Association (WTA), the Association of Tennis Professionals (ATP), the International Tennis Federation (ITF), and the Grand Slam Committee (GSC). It is notable that those organisations have been collaborating closely on the issue of (betting-related) match fixing. In 2008, they established a joint institution, the Tennis Integrity Unit (TIU), which has a global competence to protect the sport from all forms of betting-related corruption. The TIU is based in London and comprises of a Director of Integrity, two Investigators, an Office Manager/Analyst and an Office Administrator.

Subsequent to the setting up of the TIU, the international SGBs implemented a Tennis Anti-Corruption Programme.²⁴⁷ The Programme is a code of conduct approved in 2009 by the ATP, the GSC, the ITF, and the WTA. It applies to all professional tennis events and to all governing bodies and associated persons ("Covered Persons").

Article 8.05 of the ATP Code (ATP Rulebook 2014) transposes the Anti-Corruption Programme. Players, related persons, and tournament support personnel are subject to *"all of the provisions of this Program and shall be deemed to accept all terms set out herein as well as the Tennis Integrity Unit Privacy Policy"*.²⁴⁸ Further, players bear the duty of informing related persons of all the provisions of this Programme.²⁴⁹

It foresees generally that *"no Covered Person shall, directly or indirectly, wager or attempt to wager on the outcome or any other aspect of any Event or any other tennis competition"*.²⁵⁰ It also forbids the *"display of live tennis betting odds on a Covered Person website; writing Articles for a tennis betting publication or website; conducting personal appearances for a tennis*

²⁴⁷ The provisions of this Programme are recalled at Article.5 of the ITF Constitution: *"5.1 The Tennis Anti-Corruption Program (the "TACP") is set out in full on the website of the Tennis Integrity Unit (www.tennisintegrityunit.com). The purposes of the TACP are (I) to maintain the integrity of tennis, (II) to protect against any efforts to impact improperly the results of any match, and (III) to establish a uniform rule and consistent scheme applicable to all tennis events organised, sanctioned or recognised by the governing bodies (as defined under the TACP) of professional tennis.*

5.2 As a condition of membership of the ITF, each national association must ensure:

5.2.1 That all persons under the national association's jurisdiction, including all persons participating in events organised, sanctioned or recognised by the national association, comply with the same rules of conduct as the TACP applies to those who participate in events organised, sanctioned or recognised by the governing bodies of professional tennis, with similar sanctions to be imposed in the event of non-compliance; and

5.2.2 That anyone who has been ruled ineligible under the TACP to participate in events organised or sanctioned by the governing bodies of professional tennis is also automatically ineligible, for the same period, to participate in any capacity in events organised, sanctioned or recognised by the national association.

5.3 Each National Association shall regularly update the ITF on the status and findings of any anti-corruption review or proceedings conducted by the National Association in relation to any person(s) under its national jurisdiction."

²⁴⁸ ATP Rulebook 2013, Article 8.05 C. 1).

²⁴⁹ Idem, Article 8.05 C. 2).

²⁵⁰ Idem, Article 8.05 D. 1)a).

betting company; and appearing in commercials encouraging others to bet on tennis".²⁵¹ Moreover, "[n]o Covered Persons shall, directly or indirectly, solicit or accept any money, benefit or Consideration, for the provision of any Inside Information".²⁵² Finally, "[n]o Covered Person may be employed or otherwise engaged by a company which accepts wagers on Event".²⁵³

In addition, players are under the duty to report any inappropriate behaviour to the TIU as soon as possible.²⁵⁴ This also applies to Related Persons and Tournament Support Personnel.²⁵⁵ Moreover, "a failure of the Reporting Obligation by any Covered Person; and/or (ii) a failure of the duty to cooperate under Section F.2 shall constitute a Corruption Offense for all purposes of the Program".²⁵⁶ Finally, the Anti-Corruption Programme foresees that "[e]ach Player shall be responsible for any Corruption Offense committed by any Covered Person if such Player either (i) had knowledge of a Corruption Offense and failed to report such knowledge pursuant to the reporting obligations set forth in Section D.2. above or (ii) assisted the commission of a Corruption Offense".²⁵⁷

The potential penalties for players includes fines up to \$ 250.000 plus an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense, a ban from participation in any event organized or sanctioned by any governing body²⁵⁸ for a period of up to three years, or in specific cases a life ban from participation in any event organized or sanctioned by any governing body.²⁵⁹ With respect to a Related Person or Tournament Support Person, they face a fine of up to \$ 250.000 plus an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense; a suspension of credentials and access to any event organized, sanctioned or recognized by any governing body for a period of not less than one year; with respect to any violation of clauses (c)-(i) of Section D.1, a lifetime ban from any event organized, sanctioned or recognized by any governing body.

The decisions taken by the integrity officer can be appealed to the Court of Arbitration for Sport (CAS).²⁶⁰ Furthermore, the Tennis Integrity Board may report corruption offenses that also violate non-sporting laws and regulations to the competent administrative, professional or judicial authorities.²⁶¹ Both the ITF²⁶² and the WTA²⁶³ have included the same rules in their statutes.

²⁵¹ Idem, Article 8.05 D. 1)b).

²⁵² Idem, Article 8.05 D. 1)h).

²⁵³ Idem, Article 8.05 D. 1)k).

²⁵⁴ Idem, Article 8.05 D. 2)a)I)-IV).

²⁵⁵ Idem, Article 8.05 D. 2)b)I)-II).

²⁵⁶ Idem, Article 8.05 D. 2)c).

²⁵⁷ ATP Rulebook 2014, Article 8.05 E. 1).

²⁵⁸ "Governing Bodies" refers to the ATP, the ITF, the WTA and the GSB. Idem, Article 8.05 B. 11).

²⁵⁹ Idem, Article 8.05 H. 1)a).

²⁶⁰ Idem, Article 8.05 I.

²⁶¹ Idem, Article 8.05 H.3).

²⁶² Article X, 2014 *Official Grand Slam Rule Book* ; Article.5 of the *ITF Constitution*.

²⁶³ Appendix I, 2014 *WTA Official Rulebook*.

5.1.2 *The implementation of the Integrity Rules by the TIU*

The TIU is operationally independent from the international governing bodies and works on a global basis.²⁶⁴ The Tennis Integrity Board (TIB) is the collegial body of the TIU and comprises a member representing the GSC, the CEO of WTA, the President of the ITF and the President of the ATP. Each of the governing bodies appoints a Professional Tennis Integrity Officer as prosecutor (PTIO).

The unit, by virtue of the International Tennis Federation (ITF), is recognised under Schedule 6, Gambling Act 2005 (UK) as the entity representing the sport of tennis in England, thus enabling an exchange of information with the UK Gambling Commission and UK Police. The TIU is also registered with the UK Information Commissioners Office (ICO) for the purposes of processing data related to the prevention and investigation of gambling induced corruption in tennis. It has set up a “Confidential” email address dedicated to receiving whistleblowing or similar intelligence. The TIU has on-going MOU’s and Intelligence Sharing Agreements with Betting Regulators, Betting Operators and Law Enforcement Agencies (LEA’s) worldwide.

In practice, the TIB appoints one or more independent Anti-Corruption Hearing Officers (AHO), which are responsible for determining whether Corruption Offenses have been committed, and fixing the sanctions. They serve a term of two years, which may thereafter be renewed at the discretion of the TIB.

The TIU has the right to conduct an initial interview and follow-up interviews, if necessary as determined solely by the TIU, with any person in furtherance of investigating on an offence. If the PTIO concludes that a Corruption Offense may have been committed, the PTIO shall refer the matter and send the evidence to the Anti-Corruption Hearing Officer, and the matter shall proceed to a Hearing before the Anti-Corruption Hearing Officer. The TIU pays all costs and expenses of the AHO and of staging the Hearing. Each party will bear its own costs, legal, expert and otherwise. The AHO's Decision is the full, final and complete disposition of the matter and is binding on all parties.

So far a violation of the conflict of interest provisions has been established in three cases.²⁶⁵

*The Andrey Kumantsov Case (2014)*²⁶⁶

Andrey Kumantsov was found guilty of 12 charges under Article D.1 of the Tennis Anti-Corruption Program and banned for life from all tennis-related activities as a result. More concretely, he was involved in betting on tennis competitions and attempting to fix games.

²⁶⁴ TIU personnel are recruited from professional investigative backgrounds to equip the Unit with proven skills and experience in combating betting-related corruption.

²⁶⁵ Older cases exist (M. Montcourt (2005); Potito Starace, Daniele Bracciali and Alessio Di Moro (2007)), but they are not relevant to the current regulatory framework.

²⁶⁶ Press release of the TIU, 10 June 2014.

*The Yannick Ebbinghaus Case (2013)*²⁶⁷

In this case Yannick Ebbinghaus a young tennis player from the Netherlands was given a 6 months ban and a \$ 10.000 fine by the hearing officer. The player had betted 67 seven times between May 2012 and February 2013 on tennis games.

*The Daniel Koellerer case (2011)*²⁶⁸

The Daniel Koellerer case concerns an Austrian player who was suspected of having invited other players to fix games on which he had betted. Koellerer was found guilty by the hearing officer and was handed out a life ban and a \$ 100.000 fine. CAS later removed the fine.²⁶⁹

The TIU has confirmed, in an exchange of emails that more cases are dealt with under its disciplinary processes without being disclosed. However, difficulties arise when dealing with multiple jurisdictions and data privacy laws and a substantial amount of time and effort is expended upon securing evidence from betting operators and police. Furthermore, tennis is a global sport and the TIU seems to encounter reluctance on behalf of law enforcement to share information, which could assist the TIU to secure conviction. In addition, Social Media presents significant challenges to the work of the TIU as the entities that provide such services will not engage with SGB Integrity Units and only with law enforcement authorities with the appropriate warrant or court order.

5.2 National level

5.2.1 Diversity in normative frameworks

As most of the activities of professional tennis players take place at tournaments organized by the ITF, WTA, and the ATP, players are typically covered by the regulations put in place by those international governing bodies. Consequently, few national tennis federations have had the incentive to introduce conflict of interest provisions in their statutes.

Nevertheless, Article 5 of the ITF Constitution stipulates that:

“5.2 As a condition of membership of the ITF, each national association must ensure:

5.2.1 That all persons under the national association’s jurisdiction, including all persons participating in events organised, sanctioned or recognised by the national association, comply with the same rules of conduct as the TACP applies to those who participate in events organised, sanctioned or recognised by the governing bodies of professional tennis, with similar sanctions to be imposed in the event of non-compliance.”

²⁶⁷ Press release of the TIU, 10 June 2013, available at <http://www.tennisintegrityunit.com/media/18/yannick-ebbinghaus-disciplined-after-admitting-tennis-corruption-offense/>.

²⁶⁸ Press release of the TIU, 31 may 2011, available at <http://www.tennisintegrityunit.com/media/11/daniel-koellerer-anti-corruption-disciplinary-hearing/>.

²⁶⁹ ‘The CAS confirms life ban imposed on Daniel Koellerer, but lifts the fine’, CAS Press Release, available at http://www.tas-cas.org/d2wfiles/document/5806/5048/0/Media20Release20_English_2023.03.pdf.

Many national SGBs have broad, catch-all, integrity provisions covering potentially, but not specifically, betting (Austria, Belgium, Czech-Republic, Lithuania, Sweden, Ireland, and the Netherlands). Some federations make reference to the applicability of the ITF rules (Hungary and Malta). Based on the information we collected, a large number of the smaller federations do not have any provisions governing conflict of interest (Bulgaria, Croatia, Estonia, Greece, Latvia, Luxembourg, and Slovenia). The bigger national federations do have some specific provisions in place (France, Poland, Germany, Italy, Portugal, Spain and UK). Denmark is a specific case: the rules concerning betting-related match fixing have been devised by the National Olympic Committee and apply to all national sporting federations.²⁷⁰

As we can see in the table below, the normative coverage at national level is sparser than in football. This is probably due to the specific global nature of tennis as a professional sport.

	No Regulation	Vague Regulation	Clear Regulation
Austria		X	
Belgium		X	
Bulgaria	X		
Croatia	X		
Cyprus		X	
Czech-Republic		X	
Denmark			X (NOC)
Estonia	X		
Finland		X (Reference to TIU)	
France			X (Article 85 & 86 Administrative Regulation of the FFT 2014 and Article 176 for Doctors)
Germany			X
Greece	X		
Hungary		X(Reference to TIU)	
Ireland		X	
Italy			X (Article.10 Statute of Italian Federation)
Latvia	X		
Lithuania		X	
Luxembourg	X		
Malta		X (Reference to TIU)	
Netherlands		X (Reference to TIU)	
Poland			X (Article 4 Tournament Rules)
Portugal			X
Romania		X	
Slovakia		X	
Slovenia	X		
Spain			X
Sweden		X	
UK			X (Appendix 3 of the Disciplinary Code)

Tennis players do not necessarily have a contractual relation with a club. Professional players tend to be service providers entering into contractual relationships with ATP or WTA. Hence, very few restrictions are included in contractual provisions.

²⁷⁰ See above the discussion of the normative framework in Denmark in the football context at 4.4.7.

	Yes	No
Austria		X
Belgium		
Bulgaria		X
Croatia		X
Cyprus		X
Czech Republic		X
Denmark		X
Estonia		X
Finland	X – Only coaches and Players having a contractual relation with STL	
France		X
Germany		X
Greece		X
Hungary		X
Ireland		X
Italy		X
Latvia		X
Lithuania		X
Luxembourg		X
Malta		X
Netherlands		X
Poland		X
Portugal		X
Romania		X
Slovakia		X
Slovenia		X
Spain		X
Sweden		X
UK		X

Under provisions concerning corruption or integrity threats, many sanctions could be applicable.

	Fines	Bans
Austria	X	X
Belgium		
Bulgaria		
Croatia		
Cyprus		
Czech-Republic	X (Article.30 Disciplinary Code)	X
Denmark		
Estonia		
Finland		
France	X	X
Germany	X	X
Greece	X	
Hungary	X	X
Ireland	X	X
Italy	X	X
Latvia		
Lithuania	X	X
Luxembourg		
Malta	X	X (Reference to TIU)
Netherlands		

Poland		X
Portugal	X (Article 47 Discipline Regulation)	X (Article 47)
Romania		
Slovakia	X	X
Slovenia		
Spain		
Sweden		Swedish sport confederation (RF)
UK	X	X

5.2.2 Communication

Very few national tennis federations seem to be involved in communicating the relevant conflict of interest provisions. Most federations do provide links and announcements on their websites, but very few extra workshops or pedagogical events are organized. Most of the time, national federations refer to material provided, as well as events organized, by the ITF. Here again the particular governance structure of tennis is visible.

	No Communication	National Communication	International Communication
Austria		X (Website)	
Belgium	X		
Bulgaria	X		
Croatia	X		
Cyprus	X		
Czech-Republic		X (Website)	
Denmark	X		
Estonia	X		
Finland		X (Website)	
France		Video + Plan	
Germany	X		
Greece	X		
Hungary		X (ITF, TIU)	
Ireland	X		
Italy			
Latvia	X		
Lithuania	X		
Luxembourg	X		
Malta		X (ITF)	
Netherlands		X (Website)	
Poland		X (Website)	
Portugal			
Romania	X		
Slovakia	X		
Slovenia	X		
Spain	X		
Sweden		X.	
UK		X (ITF + SBIU)	

5.2.3 *Enforcement*

Since the international governing bodies are competent to issue a sanction, national federations are not directly involved with the enforcement of the relevant conflict of interest provisions.

2010-2014	No Cases	Number of Cases
Austria		1 (Köllerer) = TIU (no national enforcement)
Belgium	X	
Bulgaria	X	
Croatia	X	
Cyprus	X	
Czech-Republic	X (1 suspicion)	
Denmark	X	
Estonia	X	
Finland	X	
France	X	
Germany	X	
Greece	X	
Hungary	X	
Ireland	X	
Italy	X	
Latvia	X	
Lithuania	X	
Luxembourg	X	
Malta	X	
Netherlands		1 = TIU (Ebbinghaus)
Poland	X	
Portugal	X	
Romania	X	
Slovakia	X	
Slovenia	X	
Spain	X	
Sweden	X	
Uk	X	

5.2.4 *Analysis and Conclusions*

Tennis is a totally different regulatory universe than football. Most of the tennis events capable of attracting substantial betting activity are legally linked to the ITF, the ATP, the WTA or the GSC. Hence, a participant (broadly defined to include referee, athlete, coach or other) will necessarily come under the rules and regulations imposed by these international SGBs. Consequently, they can impose disciplinary sanctions to any participant, which is the main difference between them and the transnational football authorities (FIFA/UEFA). Thus, it was quite logical for the international SGBs to join forces and create the TIU as a central hub for the prevention, monitoring, and sanctioning of (betting-related) match fixing in tennis. However, it is regrettable that despite their central position in tennis, the International SGBs are doing too little in terms of education and prevention. Indeed, the TIU's activity is centred mainly on the monitoring and the

investigating of potential violations, besides its video-based tennis integrity protection programme²⁷¹, little pedagogical material is provided and few educative events are organized.

This particular context, specific to the way tennis competitions are organized, explains and justifies the fact that many national federations do not engage further in the regulation and prevention of conflicts of interest linked to betting-related match fixing. Only the biggest national federations have introduced rules or preventive programmes. Even though the inaction of national federations might be understandable, it is a given that game manipulation may also arise in the context of local games. Moreover, having prevention measures put in place at an early stage of an athletes' careers would be a great improvement to the fight against match fixing. A greater involvement of national federations could therefore make an important difference.

Regarding enforcement, the TIU has developed a wide network via the signing of Memoranda of Understandings. Despite this network, however, it has been able to investigate and proceed in only a limited number of cases, indicating either that tennis is not immediately threatened by a match fixing epidemic or that the enforcement is hindered by other factors. A smoother collaboration with the TIU and direct investigatory support by Member States may be a useful contribution in this regard. Finally, the international SGBs could also devote more resources to both the preventive and the enforcement capabilities of the TIU.

²⁷¹ It is accessible on the TIU's website at <http://www.tennisintegrityunit.com/the-tennis-integrity-protection-programme/>.

CHAPTER 6 CONFLICT OF INTEREST PREVENTION IN OTHER POPULAR SPORTS

6.1 Introduction

In this chapter we will examine the conflict of interest provision and their enforcement in various sports, namely: basketball, rugby, cycling, Formula 1, volleyball, skiing and ice hockey. The research team has identified those sports as the third relevant sport in each Member State. For each sport we will proceed as with football and tennis: we will first provide the international regulatory framework, before making a comparative analysis of the relevant rules and practices at the level of national SGBs. It must be kept in mind that we operate with a very limited number of countries for each sport, thus the comparative value of the exercise is limited.

6.2 Basketball

6.2.1 International level: FIBA Code of Ethics

The International Basketball Federation (FIBA)'s Code of Ethics,²⁷² which is included in the FIBA Internal Regulations, contains one rule related to conflict of interest. Article 28 b states that the *“Basketball parties”*²⁷³ shall *“[r]efrain from activities which might affect the outcome of basketball games such as: [...] Betting or otherwise speculating either alone or through others”*.

The Ethics Panel is competent to examine possible breaches of this provision.²⁷⁴ However, It *“has no direct power of sanction”*.²⁷⁵ Rather, *“[t]he Secretary General and/or the Central Board may either deal with an adverse prima facie finding of the Ethics Panel in keeping with their respective authority or may decide to refer a matter to the FIBA Disciplinary Panel for formal hearing under FIBA’s disciplinary processes”*.²⁷⁶ In case of a breach, individuals face a monetary fine and/or suspension or removal from office.²⁷⁷ Organisations risk a monetary fine and/or suspension of membership or status as a basketball party.²⁷⁸

So far, we have no indication that there has been any investigation involving a breach of this rule.

²⁷² FIBA Internal Regulations 2010, Book 1, Chapter III, Article. 16-55.

²⁷³ Idem, Article. 20.

²⁷⁴ For more on the procedure followed by the Panel see FIBA Internal Regulations 2010, Book 1, Chapter III, Article. 44-52.

²⁷⁵ Idem, Article. 53.

²⁷⁶ Idem, Article. 53.

²⁷⁷ Idem, Article. 54 a.

²⁷⁸ Idem, Article. 54 b.

6.2.2 National level

6.2.2.1 Normative framework

Few of the national SGBs have specific provisions tackling conflicts of interest and insider information. In basketball, there seem to be a tendency of taking this issue lightly, potentially due to a lack of flagship cases.

	No rules	Vague rules	Clear Rules
Croatia	X		
Estonia		X (Code of ethics)	
Greece	X		
Hungary			X (Article 52.2 MKOSZ Competition Regulations)
Italy			X (Article.3 of the Statutes)
Latvia			X Declaration of fair and responsible play
Lithuania			X (Article 10 and 11 of Lithuanian Basketball Federation Code)
Malta	X		
Portugal	X		
Romania		X	
Spain		X	

As the table below demonstrates, when conflict of interest provisions are present in the regulations of the national SGBs, they are of a relatively vague nature. For instance, only one of the examined federations offers a definition of what is meant by “insider information”.

	Personal Scope of the rules	Concept of Insider Information	Sanctions
Croatia			
Estonia	Members		Warning, Reprimand, Ban
Greece			
Hungary	Player and Sport Specialists		Individuals = Ban Clubs = Fine, Ban, point deduction (Article.57.3 Disciplinary Code)
Italy	Individuals registers by federation		Ban

Latvia	Players & Coaches	Information about health conditions of any of player's teammates or other team players or any other matters up to player's knowledge that may directly or indirectly affect the basketball game and its result.	Fine & Ban
Lithuania	Subjects of Code on Discipline and Ethics		Fine + ban (Art. 8.8, 8.9, 8.10, 8.11 Disciplinary Code)
Malta			
Portugal			
Romania			
Spain	All individual member of the federation		Ban + Fine (Art. 57 & 58 Disciplinary Code)

Finally, in very few national contexts does conflict of interest appear to be taken seriously at a contractual level. Of the 11 Member States for which we examined conflict of interest prevention in basketball, the SGBs of only two Member States (Latvia and Lithuania) indicated that certain provisions may be included in the players' contracts.

6.2.2.3 Communication

Based on information we collected, the national SGBs do not invest much effort in prevention and/or in the communication of their rules governing conflict of interest.

	No Communication	National Communication	International Communication
Croatia	X		
Estonia	X		
Greece	X		
Hungary	X		
Latvia		X (informal)	
Lithuania	X		
Malta	X		
Portugal	X		
Romania		X (Website)	
Spain	X		

6.2.2.4 Implementation

Very few instances of conflict of interest have led to public investigations and later on to sanctions. No violations of the conflict of interest provisions were detected in Croatia, Estonia,

Greece, Hungary, Malta, Portugal, Romania, and Spain. In Latvia, some suspicious cases are currently being investigated and in Lithuania one violation was established and sanctioned (i.e. three players were caught on film while placing bets on their club's defeat).

6.3 Rugby Union

6.3.1 *International level*

6.3.1.1 Normative framework

The International Rugby Board (IRB) has anti-corruption and betting regulations in place that apply to all rugby players, coaches, support staff, match officials, administrators, club owners, and others involved in rugby games at international and professional, semi-professional and senior levels. As regards the disclosure of inside information, the family members of these persons are subject to the regulations (known as "Connected Persons").²⁷⁹ The persons covered by the rules are those involved in rugby at the professional, semi-professional or senior community levels (i.e. where players are paid); they are prohibited from betting on rugby either themselves or through an agent or third-party (see Regulation 6.3.1(c) and (d)).²⁸⁰ Those involved in international rugby at the amateur level are prohibited from betting on the matches and competitions to which they participate (see Regulation 6.3.1(a) and (b)),²⁸¹ but by way of reasonable balance they are not prohibited from betting on other matches. Amateur club/university/schools rugby is governed by the regulations of the relevant national federation, known as Unions, which are required to be in conformity with the IRB Regulations.

All Connected Persons are, furthermore, explicitly prohibited from engaging in match or spot-fixing either directly or indirectly and/or failing to perform to the best of their abilities for a reward (see Regulation 6.3.2).²⁸² The Regulations also prohibit the dissemination of inside

²⁷⁹ According to the IRB Handbook Article. 6.2 Definitions: " Any International Player, Contract Player, International Match Official, Contract Player Support Personnel, any coach, trainer, selector, health professional, analyst, team official, administrator, owner, director and/or any other person involved with and/or engaged in relation to the Game by a Union or its National Representative Team and shall include any Union/Association/IRB panel of Match Officials at International Match and/or Contract Player level, Disciplinary Personnel, any Agent and/or representative of an International Player, Contract Player or Contract Player Support Personnel and/or family member and/or associate of any of the foregoing (to the extent that such family member/associate falls under the jurisdiction of a Union, Rugby Body and/or the Board) and/or any other individual or entity involved in the organisation, administration and/or promotion of the Game at International Match and/or Contract Player level. "

²⁸⁰ (c) No Contract Player or Contract Player Support Personnel shall, directly or indirectly, Wager and/or Attempt to Wager on the outcome and/or any aspect of any Event and/or receive and/or Attempt to receive part or all of the proceeds of any such Wager and/or any other Benefit in relation to a Wager.

(d) No Contract Player or Contract Player Support Personnel shall and/or shall Attempt, directly or indirectly, to solicit, induce, entice, instruct, persuade, encourage, agree with and/or facilitate any other person to Wager and/or Attempt to Wager on the outcome or any aspect of any Event.

²⁸¹ (a) No Connected Person shall, directly or indirectly, Wager and/or Attempt to Wager on the outcome or any aspect of any Connected Event and/or receive and/or Attempt to receive part or all of the proceeds of any such Wager and/or any other Benefit in relation to a Wager.

(b) No Connected Person shall and/or shall Attempt, directly or indirectly, to solicit, offer, induce, entice, instruct, persuade, encourage, agree with and/or facilitate any other party to Wager and/or Attempt to Wager on the outcome or any aspect of any Connected Event.

²⁸² No Connected Person shall:

information to confined groups where it may be used for betting, in the same fashion as insider trading in a corporate context (see Regulation 6.3.3).²⁸³ Inside information is defined as:

“Any non-public information relating to any Event including any aspect thereof that a Connected Person possesses by virtue of his position within the Game. Such information includes, but is not limited to, relevant information regarding a Participant(s), conditions, tactic(s) and/or strategy(ies), selection, injury(ies), and/or any other information relating to the likely performance of a Participant(s) and/or outcome of an Event including any aspect thereof, and/or any other relevant information in relation to an Event which is known by a Connected Person(s) but which is not already published or a matter of public record, which is not readily acquired by an interested member of the public and/or disclosed according to the rules and regulations governing the Event”.²⁸⁴

All Connected Persons are obliged to report any suspicious activity or other potential breaches of the IRB Regulations to the IRB Anti-Corruption Officer (see Regulation 6.3.5(a) and (b)). A failure to do so renders the person in question liable to the same sanction as the one that would apply to the violation itself, which may be a life ban from participation in rugby. All national federations also have the duty to share all information, which may relate to a breach with the IRB and to cooperate with any investigation and/or case (see Regulation 6.5(a)). The IRB Regulations finally prohibit sponsorship of under-age national teams by betting entities and oblige national federations to impose similar restrictions in their domestic jurisdictions (see Regulation 6.5(i)).

The IRB has the ability to recognise a sanction imposed in relation to corruption by another sporting body or public authority and apply it to rugby (in the event that a person subject to a sanction elsewhere seeks to become involved in the Game during the period of his suspension in the other sport or activity) (see Regulation 6.14.1). The IRB Regulations also contain a mechanism whereby the IRB can instigate an investigation into any person in the game (or who seeks to come into the game in any capacity, including as a player, official, director or club owner), who may have been involved in corruption in another sport or field of activity. The IRB may apply to an independent Judicial Officer who will convene a hearing to consider whether that person should be prohibited from participating in rugby for a determined period or until s/he has proven their rehabilitation (see Regulation 6.4).

(a) Fix and/or Attempt to Fix.

(b) Or shall Attempt, directly or indirectly, to solicit, offer, induce, entice, instruct, persuade, encourage, agree, give, pay for, receive and/or facilitate a Benefit to Fix and/or Benefit to Attempt to Fix.

(c) For Benefit fail to perform to the best of his abilities (including in the future) in relation to an Event(s) including any aspect thereof.

(d) Solicit, offer, induce, entice, instruct, persuade and/or encourage another Connected Person to fail to perform to the best of their abilities in relation to an Event(s).

²⁸³ 6.3.3 Misuse of Inside Information

No Connected Person shall or shall Attempt directly or indirectly to:

(a) Use Inside Information for the purposes of Wagering whether by themselves or by or via another person and/or entity;

(b) Disclose Inside Information to any person (with or without Benefit) before and/or during an Event where the Connected Person knows and/or may reasonably be expected to know that disclosure of the Inside Information could be used in relation to Wagering.¹

(c) Give and/or receive Benefit for the provision of Inside Information (notwithstanding whether any Inside Information is actually provided).

(d) Solicit, offer, induce, entice, instruct, persuade, encourage and/or facilitate the giving and/or receiving of Benefit for the provision of Inside Information (notwithstanding whether any Inside Information is actually provided).

(e) Solicit, offer, induce, entice, instruct, persuade, encourage, pay for and/or facilitate the breach of any of the foregoing provisions of this Regulation 6.3.3.

²⁸⁴ Regulation 6.2.

The potential sanctions range from a reprimand and/or warning up to a suspension for life from involvement in rugby in addition to the discretion to impose a fine and sporting sanctions including the cancellation of results, demotion, points reductions, return of rewards, replay of fixtures, withdrawal of accreditation, and exclusion from venues. Sanctions can also be issued pursuant to the IRB Code of Conduct, which in Regulation 20.10.1 include e.g. the expulsion from the remainder of a Tournament and/or Series of Matches, exclusion from Unions or grounds within Unions, suspension from involvement in officiating, coaching and/or administration of the Game, the withdrawal of other benefits of membership of the IRB including the right to host IRB Matches or International Tournaments and funding and the cancellation, replaying or forfeiture of fixtures. Regulation 6.10.2 sets out the applicable sanctions for breaches of the IRB Anti-Corruption and Betting Regulations.²⁸⁵

6.3.1.2 Implementation

The Judicial Committee and/or the Judicial Officer are competent to impose sanctions. An Anti-Corruption Officer is appointed by the IRB as a prosecutor. He may conduct an investigation in relation to any person suspected of violating the anti-corruption rules,²⁸⁶ prior to making the application to the Judicial Officer in order to open a proceeding. A person who has been deemed an Unsuitable Person may appeal within fourteen (14) days of receipt of the notification of the decision to the Appeal Panel Chairman. The appeal shall be heard by an Appeal Committee.²⁸⁷

Based on the information received no breach has been detected yet.

6.3.2 National level

Rugby has been identified as the third relevant sport in three Member States (UK, Ireland, and France).

²⁸⁵ For more details on potential sanctions see Article 6.10.2 to 6.10.6.

²⁸⁶ Becoming an Unsuitable person according to the IRB Handbook.

²⁸⁷ 18.3 The Appointment and Functions of Appeal Committees.

18.3.1 The Council shall appoint a panel of individuals of such number as the Council thinks fit ("the Appeal Panel"), each of whom shall be eligible to sit as members of Appeal Committees. The Council shall appoint a Chairman of the Appeal Panel. Members of the Appeal Panel shall not be current members of the Council or any other Board standing committee.

18.3.2 Members of the Panel shall include the following:

(a) Senior legal practitioners with previous experience of judicial proceedings in rugby. Such legal practitioners shall be appointed to sit as Chairmen of Appeal Committees.

(b) Eminent rugby administrators, rugby players, coaches and officials with previous experience of judicial proceedings in rugby.

(c) Such other individuals as the Council may consider appropriate.

18.3.3 The functions of Appeal Committees shall be to hear and decide appeals from decisions made by Judicial Officers or Judicial Committees. The Chairman of the Appeal Panel shall appoint Appeal Committees from Appeal Panel members to hear such appeals.

18.3.4 Members of the Appeal Panel shall be appointed for a period of up to two years, following which they shall, unless re-appointed by the Council, automatically cease to be a member of the Appeal Panel. The Council may, at its discretion, remove any member of the Appeal Panel, at any time. The decision of the Council shall be final and binding.

18.3.5 When an Appeal Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Appeal Panel, one of whom shall be nominated to act as Chairman of the Appeal Committee.

The Chairman of the Appeal Panel shall be entitled, however, at his discretion to appoint Appeal Committees of such number as he considers appropriate, up to a maximum of 5 and a minimum of 2."

6.3.2.1 Normative framework

In Ireland, the regulations of the national SGB simply make reference to the applicability of existing IRB rules (see above) to the federation and its members. Player contracts do not include specific contractual clauses related to conflict of interest.

In the UK, Regulation 17 of the Rugby Football Union implements the IRB Regulation 6 (see above). However, it imposes some additional requirements.

The regulations of the French SGBs are identical to the ones existing in football and tennis, as mandated by French law. Article 513 of the Fédération Française de Rugby (FFR) General Regulations and Articles 100-107 of the LNR General Regulations transposes the exact-same provision as discussed above in the framework of football. However, the betting-related restrictions also apply to sporting agents involved in rugby (Article 27 of the FFR sporting agents regulation transposes the rules). The sanctions in case of violation can go from a simple warning to a lifetime ban and/or a fine. In accordance with French professional rugby regulations, player contracts are to comply with a template set by the Ligue Nationale de Rugby. This template holds provisions by which players commit to abide by the regulations governing conflict of interest in relation to sports betting. Furthermore, all players selected to play for the French senior national team, are required to sign a charter, which includes provisions reminding the rules on conflict of interest in relation to sports betting.

6.3.2.2 Communication

Both Ireland and the UK take part in the IRB's "Keep Rugby onside" promotional campaign. Moreover, the UK Rugby Football Union also collaborates closely with the UK Gambling Commission through the Sports Betting Intelligence Unit, which collects information and develops intelligence about potentially corrupt betting activity involving sport.

FFR and LNR have played an active role in a working group created in 2012 within the national Olympic committee. This working group drafted an educational brochure on conflict of interest and match fixing which has been largely communicated to all key actors. FFR and LNR have also requested that all professional clubs designate within their non-sporting staff someone in charge of being a point of contact on all matters around betting and of carrying out, with the FFR and the LNR's support, awareness activities on betting within the club. To help and support these "referents paris sportifs" as they are called, FFR and LNR elaborated a guide.²⁸⁸ Finally FFR and LNR are currently working on the implementation of a system of information exchange with ARJEL to ensure that key actors do not place bets on competitions (a decree issued at the end of last year made provision for such a system).

²⁸⁸ The Guide is available at http://www.ffr.fr/index.php/ffr/rugby_francais/ffr/presentation/paris_sportifs.

6.3.2.3 Implementation

Based on information we collected, no case has been recorded yet.

6.4 Cycling

6.4.1 UCI

6.4.1.1 Normative framework

The International Cycling Union (UCI)'s Code of Ethics is the main provision dealing with betting and race fixing in cycling. The Code is applicable to members of the Management Committee, members of the Professional Cycling Council, members of commissions, all UCI staff, commissaries, and technical delegates ("Parties"). Each Party must comply with the principles mentioned at Article.2 of the Code, among which integrity and priority to the interests of the sport of cycling and the UCI in relation to personal and/or financial interests.

Concerning integrity, the Parties must refrain from asking, accepting or proposing, either directly or indirectly, any payment or commission, any advantages or services of any kind, and which has not been agreed with, or authorised by the competent authority at the UCI. They must inform the UCI of any offers of this kind made to them. Also, the Parties, according to Article 6 must not have relations with any organisation/company/person whose activities are incompatible with the principles of the UCI regulations. Moreover, Article 8 of the Code foresees an obligation to inform the ethics commission of any potential conflict of interest.

6.4.1.2 Implementation

Pursuant to Article.12 of the Code of Ethics, an ethics commission has been created, which has the authority to receive complaints regarding any infringement to the Code of Ethics. It can recommend sanctions that could be taken against offenders of the Code.²⁸⁹

Regarding the UCI Cycling Regulations, the Disciplinary Commission has jurisdiction to safeguard compliance with its provisions. The Disciplinary Commission is composed of a Chairman and a number of members appointed by the UCI Management Committee. Each matter brought before the Disciplinary Commission shall be heard by a panel comprising one or three members designated by the Chairman of the Disciplinary Commission.²⁹⁰

²⁸⁹ The ethics commission shall be made up of at least three members. These shall be appointed, on the proposal of the Management Committee, by the UCI Congress two years after the election of the Management Committee. The first ethics commission shall be appointed by the 2004 Congress, for a period of five years.

Members of the ethics commission shall be appointed for a mandate of four years. They shall be irremovable

²⁹⁰ The Chairman of the panel (or its single member) shall summon the offending party to a hearing.

We are unaware of any case involving a violation of rules governing conflict of interest prevention.

6.4.2 *National federations*

Cycling has been identified as the most popular sport in three Member States (Denmark, Belgium, and the Netherlands). As indicated before, the Danish system is peculiar, it relies on uniform rules and enforcement procedure put in place by the Danish Olympic Committee and Sport Confederation²⁹¹. The national SGBs in Belgium and the Netherlands merely refer directly to the UCI rules. We have no indication of any prevention programme or any breaches of the conflict of interest provisions at the national level.

6.5 **Formula 1**

6.5.1 *FIA*

6.5.1.1 Normative framework

The Fédération Internationale d'Automobile (FIA) adopted a Code of Ethics in December 2013. The Code recognizes integrity as one of the main features of sport, which has to be preserved, but it includes no explicit reference to conflict of interest linked to betting and/or match fixing.

The FIA International Sporting Code, on the other hand, does contain a betting-related conflict of interest provision. Article 16 prohibits drivers and sports officials from participation in betting on events in which they are involved:

“No person holding a Licence, a Super Licence or a Certificate of registration for the staff of Competitors entered in the FIA World Championships, and no staff member of the Organiser of a Competition registered on the International Sporting Calendar or on the national calendar of an ASN may, either directly or through an intermediary, place bets or gamble on a passage of play or a Competition, if they are involved in that Competition, in particular through taking part in or being connected in any way with it.”

In addition, Article 16.3 provides a ban for the disclosure of insider information:

“No person holding a Licence, a Super Licence or a Certificate of registration for the staff of Competitors entered in the FIA World Championships, and no staff member of the Organiser of a Competition registered on the International Sporting Calendar or on the national calendar of an ASN may:

²⁹¹ See above the discussion of the normative framework in Denmark in the football context at 4.4.7.

16.3.1 offer or attempt to offer money or an advantage of any kind to obtain privileged information on a Competition with a view to realizing or to allow realization of a betting operation on the said Competition before the public is aware of this information;

16.3.2 communicate to a third party privileged information on a Competition, obtained in the exercise of their profession or their duties, with a view to realising or to allowing the realisation of a betting operation on the said Competition before the public is aware of this information.”

The FIA Code of Good Standing²⁹² also includes an explicit reference to betting. The paragraph entitled “Obligation of fairness” prohibits all FIA License-Holders and all Participants in International Competitions from infringing the principles of fairness in competition. This infringement could consist in attempting to influence the result of a Competition, in particular in the context of betting on those Competitions.

Furthermore, Article.VI of FIA Practice Directions²⁹³ foresees that the competitor’s staff is forbidden to give instructions to a driver or to take any action by which the result of a race may be influenced or affected for the purpose of profiting, directly or indirectly, through betting.

Finally, regarding the sanctions, Article 12.2.1 of the FIA International Sporting Code²⁹⁴, foresees the following:

12.2.1 ISC: Any breach of the Code [...] by any Organiser, official, Competitor, Driver, Participant, other licence holder, or other person or organisation may be penalised or fined.

12.3.1 ISC: Penalties may be inflicted as follows:

3.1.a reprimand (blame);

3.1.b fine;

3.1.c obligation to accomplish some work of public interest;

3.1.d deletion of a Driver’s qualifying lap(s);

3.1.e drop of grid positions;

3.1.f obligation for a Driver to start a race from the pit lane;

3.1.g time penalty or penalty lap;

3.1.h drop of places in the classification of the Competition;

3.1.i drive-through penalty

3.1.j stop and go;

3.1.k Exclusion;

3.1.l Suspension;

3.1.m Disqualification.

²⁹² Appendix B to the International Sporting Code.

²⁹³ These Practice Directions have been introduced by the FIA to clarify certain aspects of the new system of certificate of registration for the staff of Competitors entered in the FIA Formula One World Championship and the way in which the FIA intends to implement the system with regard to the FIA Formula One World Championship. However, these Practice Directions do not amend the ISC or the FIA Judicial and Disciplinary Rules in any way. Nor do these Practice Directions limit the discretion of the FIA International Tribunal or the FIA International Court of Appeal (herein referred to as ‘ICA’).

²⁹⁴ Penalties are listed in Article.12.

6.5.1.1 Enforcement

To our knowledge, the competent FIA bodies have never had to pronounce a sanction on grounds of the violation of the betting ban or the disclosure of inside information.

6.5.2 *National level*

Formula 1 has been identified as the third relevant and relevant sport in two Member States: Germany and Luxembourg. In Germany, the German motorsport Association (DMSB) has transposed the rules of the FIA. In Luxembourg, the responsible national SGB, the Automobile Club du Luxembourg (ACL), is essentially a roadside service provider, and has not adopted any form of regulations governing conflict of interest prevention. Furthermore, the national SGBs are not involved in communicating on conflict of interest provisions or in enforcing them.

6.6 Volleyball

6.6.1 *FIVB*

6.6.1.1 Normative framework

The Fédération Internationale de Volleyball (FIVB) has introduced, at Article.3.1.5 of its Disciplinary regulations,²⁹⁵ a general prohibition on betting on competitions organized or recognized by the FIVB. The new 2014 Disciplinary Regulations, which entered into force on 4 April 2014, include an Appendix B dedicated exclusively to betting and manipulation of results. It foresees that the following constitute major offences:

B.2.1 Betting

Direct or indirect involvement of a Participant in any form of Betting related to a Competition, including Betting with another Person on the result, progress, outcome, conduct or any other aspect of such a Competition.

[...]

B.2.4 Misuse of Inside Information

²⁹⁵ According to the preamble, the Disciplinary regulations are applicable to:

- The FIVB governing institutions (Congress, Board of Administration, Executive Committee, President);
- The FIVB supporting institutions (Confederations, National Federations, Executive Group, Zonal Associations, Councils and Commissions);
- Persons elected or appointed to a position in any FIVB governing institution other than the Congress;
- Persons elected or appointed to a position in any FIVB supporting institution;
- Persons holding an honorary title granted by the FIVB;
- Organizing Committees of FIVB competitions;
- FIVB officials and referees;
- National leagues, clubs, teams and their administrators, team managers, players, coaches, technical and support personnel, and referees affiliated to a NF.

2. *(a) Using Inside Information for Betting purposes or otherwise in relation to Betting.*
3. *(b) Disclosing Inside Information to any Person with or without Benefit where the Participant might reasonably be expected to know that its disclosure in such circumstances could be used in relation to Betting.*

B.2.5 Other Violations

4. *(a) Inducing, instructing, facilitating or encouraging a Participant to commit a violation set out in this Appendix.*
5. *(b) Any attempt by a Participant, or any agreement by a Participant with any other person, to engage in conduct that would culminate in the commission of any violation of this Article shall be treated as if a violation had been committed, whether or not such attempt or agreement in fact resulted in such violation. However, there shall be no violation under this Appendix where the Participant renounces his attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement.*
6. *(c) Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in this Appendix committed by a Participant.*
7. *(d) Failing to disclose to FIVB or other competent authority without undue delay full details of*
 1. *any approaches or invitations received by the Participant to engage in conduct or incidents that would amount to a violation as set out in this Article;*
 2. *any incident, fact or matter that comes to the attention of the Participant that may evidence a violation under this Article by a third party, including, without limitation, approaches or invitations that have been received by any other party to engage in conduct that would amount to a violation of this Article;*
8. *(e) Failing to cooperate with any reasonable investigation carried out by FIVB or other competent authority in relation to a possible breach of this Article, including failing to provide any information and/or documentation requested by FIVB or competent competition authority that may be relevant to the investigation.*

Furthermore, the following are not relevant to the determination of a violation of the Appendix:

9. *(a) Whether or not the Participant was participating, or a Participant assisted by another Participant was participating, in the specific Event or Competition;*
10. *(b) The nature or outcome of any Bet in issue;*
11. *(c) The outcome of the Competition on which the Bet was made;*
12. *(d) Whether or not the Participant's efforts or performance (if any) in any Competition in issue were (or could be expected to be) affected by the acts or omissions in question;*
13. *(e) Whether or not the results in the Competition in issue were (or could be expected to be) affected by the acts or omissions in question.*

The sanctions in case of violation of the Appendix B are found in Article 12 of the Disciplinary Regulations:

[...]

12.2 NFs are liable with respect to their official representatives, and clubs with respect to their teams, for any conduct of their members that damages or could damage the integrity of matches and competitions, or aims to provide any party with an unfair advantage in the ranking.

12.3 An NF or club declared responsible for such actions shall be sanctioned with forfeiture of the match results of their respective team, withdrawal of all ranking points earned through these matches and suspension for up to two (2) years from all national and international Competitions.

12.4 Individual persons found responsible for a violation under this Article shall be sanctioned with a fine of a minimum of CHF 50.000 and a suspension from participation in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period between five (5) years and a life ban.

6.6.1.2 Implementation

Article 17 and 18 of the Disciplinary Regulations lay down the procedure applicable in case of breach. To our knowledge no breach has occurred.

6.6.2 National level

Volleyball has been identified as the third relevant sport in Bulgaria, Cyprus and Poland.

The Bulgarian Volleyball Federation (BVF) adopted a broad provision that sanctions acts susceptible to threaten the integrity of the game (Article.3.3 of the BVF Rules of Conduct), but no specific rules governing conflict of interest.

The Cyprus Volleyball Federation (CVF-KOΠE) has only one provision regarding conflict of interest and betting in the internal regulations for refereeing. We have no indication that this provision has been enforced in past cases.

In the Polish case we have not been able to collect any relevant information from the federation.

6.7 Skiing

6.7.1 FIS

6.7.1.1 Normative framework

The Fédération Internationale de Ski (FIS) introduced in Article. 205.8 of the FIS International Ski Competition Rules²⁹⁶ a betting ban for competitors, coaches, team officials, and technical officials. This prohibition is limited to the “*outcome of competitions in which they are involved*”.

The FIS also adopted a specific regulation on this matter, i.e. the “FIS Betting and other Anti-corruption violations rules”. This regulation provides for a list of conducts deemed to constitute a violation of these rules (Article.3):

“Betting

Participation in, support for, or promotion of any form of Betting-related to an Event or Competition;

Betting with another Person on the result or any other aspect of such an Event or Competition; Inducing, instructing, facilitating or encouraging a Participant to commit these violations.

Manipulation of results

Fixing in any way or improperly influencing (or being party in these conducts) the result, or any other aspect of an Event or Competition; ensuring or seeking to ensure the occurrence of a particular incident in an Event or Competition which occurrence is the subject of a bet; Failing in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to the best of one’s abilities in an Event or Competition; Inducing, instructing, facilitating or encouraging a Participant to commit one of these violations.

[...]

Inside Information

Using Inside Information for Betting purposes or otherwise in relation to Betting; disclosing Inside Information to any Person with or without Benefit where the Participant might reasonably be expected to know that its disclosure could be used in relation to Betting; inducing, instructing, facilitating or encouraging a Participant to commit one of these violations.

Other Violations

[...]

Failing to disclose to the International Ski Federation (FIS) or other competent authority full details of any approaches or invitations received by the Participant to engage in conduct or incidents that would amount to a Violation;

Failing to disclose to the International Ski Federation (FIS) or other competent authority full details of any incident, fact or matter that may evidence a Violation by a

²⁹⁶ Approved by the 48th International Ski Congress, Kangwonland (KOR).

third party, including (without limitation) approaches or invitations that have been received by any other party to engage in a Violation;

Failing to cooperate with any reasonable investigation carried out by the International Ski Federation (FIS) or other competent authority in relation to a possible breach of these Rules, including failing to provide any information and/or document that may be relevant to the investigation.”

Article 8 of the “FIS Betting and other Anti-corruption violations rules” provides for three types of sanctions: ineligibility (Article.8.2); financial sanctions limited to the value of the winnings (Article. 8.3); and disqualification of the results to be decided by the FIS Council (Article.8.4).

6.7.1.2 Implementation

According to Article.5 of the “FIS Betting and Other Anti-Corruption Rules”, the FIS may conduct an investigation into the activities of any participant that it believes may have committed a violation of the rules. Article.8 provides that sanctions are imposed by a Hearing Panel, composed by three members of the FIS Legal and Safety Committee, appointed for each case by the FIS President/Secretary General on behalf of FIS Council. If the Hearing Panel decides that a participant has committed a violation, it is entitled to impose a period of ineligibility (minimum of 3 months and maximum a life time ban). The determination of the period of ineligibility is based on the Panel’s assessment of what is proportionate in view of the facts and circumstances of the case. No breaches were detected by the FIS between 2010 and 2013.

6.7.2 National level

Skiing was identified as the third relevant sport in two Member States: Austria and Slovenia. The Austrian SGB, the Österreichischer Skiverband (ÖSV) has not implemented any rules concerning betting, but it does comply with the international rules of the FIS. The Slovenian SGB (SAS) has introduced clauses regarding sports betting in individual contracts between SAS and athletes, coaches, employees, and other contractors. SAS also includes relevant betting clauses in sponsorship agreements. In addition to this, SAS has been preparing a new Code of Ethics, which will contain a prohibition on sports betting. The Austrian and the Slovenian SGB have not reported any cases involving a conflict of interest for the period of 2010-2013.

6.8 Ice Hockey

6.8.1 IIHF

6.8.1.1 Normative framework

The International Ice Hockey Federation (IIHF)'s Statutes and Bylaws include specific conflict of interest prevention rules related to gambling and betting. Bylaw 1103 states:

1103. Gambling and Betting

Players, team officials, on and off ice officials and IIHF representatives shall not be involved in any gambling and betting activities that relate to ice hockey and/or inline hockey, such as:

- Instructing, encouraging or facilitating any other party to bet;*
- Giving insider information not available to the general public (relating to the competition or event that the person possesses by virtue of his/her position within the sport) which either, directly or indirectly, impacts on betting / odds.*

Any person asked to violate this Bylaw must immediately report the approach to the IIHF General Secretary if such approach occurs before or after the respective Event and the Directorate Chairman if such approach occurs during the Event.⁵

Any infringement of this prohibition will result in disciplinary sanctions and may result in criminal penalties.

In case of breach, the applicable sanctions are provided by Article. 4 of the IIHF Disciplinary Code:

4.1 The disciplinary measures with the exceptions of sanctions in cases related to anti-doping rule violations (Article 5) include, but are not limited to:

- Caution*
- Censure*
- Fine*
- Suspension (with exception of the suspension under Statute 14).*

4.2 A caution may be imposed in case of minor infringement. A censure may be imposed in case of serious infringement and may be combined with suspension and/or a fine ranging from CHF 50 to CHF 1.000.

In cases of gross infringement suspension and/or fines may be imposed; fines may range from CHF 50 to CHF 150.000.

Suspensions shall have immediate effect.

4.3 When establishing whether an infringement is minor, serious or gross, the following facts shall be taken into consideration: the importance of the provisions violated; the stature of the competition; personal guilt or negligence; the consequences of the infringement for persons affected directly and/or indirectly; negative effects on ice and in-line hockey as governed by IIHF (Statute 3), as well as other unfavourable influences on the reputation of sports.

4.4 Whenever possible, first offences should be punished by caution or censure. In case of repeated offences involving an identical or different violation, fines or suspensions may be imposed, even if the infringement as such is only of minor importance. When imposing fines, the financial circumstances of the parties concerned shall be taken into account.

6.8.1.2 Implementation

According to Article 1.e of the IIHF Disciplinary Regulations, the Disciplinary Committee has the power to sanction national associations, clubs, officials, coaches, and players in case of infringement of the rules, including the Bylaw on gambling and betting. The Disciplinary Committee shall act upon request by an IIHF body (Statute 21), the respective IIHF Doping Control Committee or the IIHF Medical Supervisor, by the IIHF General Secretary or his assigned deputy, by WADA, or by a member national association.

Based on the information received no case involving a conflict of interest related to betting has been registered.

6.8.2 National level

Ice Hockey has been identified as the third relevant sport in the following countries: the Czech Republic, Slovakia, Sweden and Finland.

The Czech Ice Hockey Association has included a specific provision concerning match fixing and betting in its Competition and Disciplinary Code (Annex 2). In case of breach of these rules, the Disciplinary Code foresees both pecuniary sanctions and playing ban for individuals, and point deductions or expulsion from the competition for clubs. Furthermore, the model contract for the Extraleagues (i.e. the highest ice hockey competition) includes a provision, in part III. B 7 of the contract, prohibiting players from participating - alone or through a third person - in betting linked to the games of his/her club. The Association is very aware of the risks posed by match fixing in general. Many discussions are ongoing in the view of improving the existing normative framework. On the enforcement side, however, we have no indication of any case involving conflict of interest having been investigated in recent years.

In Finland, the Ice Hockey Federation's Rules of Competition for 2013-2014 prohibit, in point 2.6, a player, an official or a referee, themselves or by a representative, to bet on a game in which s/he participates. Moreover, club officials cannot themselves or via a representative bet on any of their club's games. A violation of this rule might result in a ban for a minimum of one season. Clubs have the duty to inform their members and officials about this rule. On the enforcement side, however, we have no indication of any case enforcing this rule in recent years.

The Slovak Ice Hockey Federation (SZL'H) provides, in Article.48 e) of the Rules of Competition, that "[t]he representatives of the team shall be prohibited from arguing results of the matches or

betting on results of the matches in which are these representatives direct participants, individually, or through other persons". A similar provision, enshrined in Article 49 d) and Article 50, applies to coaches and players. Furthermore, the disciplinary rules of the SZL'H provide for a ban from ice hockey activity from one to twelve months and fine in case of betting on a championship match he is participating to. Moreover, in practice, the contracts of Slovakian ice hockey players often include a provision prohibiting any conflict of interest. The Federation is currently developing a model contract that will include a provision on betting-related match fixing. We do not dispose of any information indicating a breach of the provisions concerning conflict of interest linked with betting-related match fixing in recent years.

The Swedish SGB for ice hockey disposes of a specific conflict of interest provision, namely Article 2.3 of the Rules of Competition (Svenska Ishockeyförbundets Tävlingsbestämmelser 2013/2014). The rule provides that players, coaches, and other personnel connected with the team, referees and volunteers or officials are prohibited from betting as this might undermine the confidence for Swedish ice hockey. Moreover, it also foresees that a player, coach, other personnel connected with the team, referee and volunteer or official is not entitled to participate in a hockey game if he himself or through an agent has been involved in betting on the result of the same game or on a certain sporting event in either the same hockey game, in the tournament or alternatively in the league, or if he or his relatives directly or indirectly receive/s payment or other remuneration from bookmakers who organizes betting on the match. The different sanctions applicable for breaches of these rules follow from the bylaws of the Swedish Sports Confederation.²⁹⁷ While some incidents have been signalled, the Swedish SGB has not yet imposed any sanction related to the conflict of interest provisions.

The Swedish SGB for ice hockey has appointed a contact person designated to work on issues relating to match fixing. The appointment is partly a result of an agreement between the SGB and Svenska Spel, the state owned betting operator, which states that the SGB shall have an "integrity officer", i.e. a person which, among other things works with game security (e.g. against match fixing) in relation to Swedish ice hockey matches. Included in the assignment for the contact person is to inform and educate as well as investigate events and interact with betting operators, law enforcement agencies, players unions, etc. The SGB has also initiated cooperation with the players union SICO, which, as a result of its participation in a project launched by EU Athletes and financed by the European Commission, has begun to inform the players of the two highest divisions of the Swedish Ice Hockey League about match fixing. In addition to that, the SGB for Ice Hockey has educational programs in place concerning the rules of competition. The SGB for Ice Hockey has stated that so far no cases arouse, even so some incidents have been signalled.

6.9 Analysis and conclusions

Due to the limited scope of this study, it is difficult to make a comprehensive comparative assessment of the regulations concerning conflict of interest for the identified third relevant sports.

²⁹⁷ See football above.

What can be observed is that most international sports governing bodies have put in place specific rules to prevent conflicts of interests. The extent to which these rules are actually enforced, however, remains uncertain. The evidence we have gathered indicates that very few breaches have been recorded. This points either to the fact that no breaches occur or to the fact that the monitoring of possible breaches is unreliable and inefficient; probably there may be elements of both factors. In this regard one must mention the recent efforts by the IOC to provide a strong common platform for sport in the fight against match fixing.²⁹⁸ Indeed, using its privileged position at the apex of the sporting pyramid, the IOC has a crucial, transversal, role to play in this regard. The IOC can make use of a share of its large revenues to contribute to the prevention of match fixing or to improve the monitoring mechanisms already in place.²⁹⁹ But it can also take the responsibility of negotiating with governments to reinforce the indispensable collaboration between SGBs and public institutions.

The responsibility of national sports governing bodies varies strongly depending on the sport. For those sports where competitions are largely transnational in scope (such as tennis, cycling, skiing, and Formula 1), the national capacity to act is necessarily limited and less crucial. For those sports where competitions are rather national in scope (such as football, rugby, volleyball, ice hockey, and basketball), the national federations have a central role to play in monitoring compliance with conflict of interest provisions. It follows that the efficacy of the enforcement of these provisions must be analysed and understood contextually, sport by sport.

²⁹⁸ 'IOC steps up fight for clean sport with Interpol MoU and new intelligence system', IOC Press Release, 30 January 2014, available at <http://www.olympic.org/news/ioc-steps-up-fight-for-clean-sport-with-interpol-mou-and-new-intelligence-system/222491> and 'IOC's new betting intelligence system, "IBIS", hailed by International Federations', IOC Press Release, 10 April 2014, available at <http://www.olympic.org/news/ioc-s-new-betting-intelligence-system-ibis-hailed-by-international-federations/229466>.

²⁹⁹ In fact the IOC has created the International Sports Monitoring GMBH, see at <http://ismonitor.com/>.

PART 3

CONCLUSIONS

CHAPTER 7 CONCLUSIONS AND RECOMMENDATIONS

The general objective of this study was to map, in the context of the fight against betting-related match fixing, the provisions and practices governing risk assessment and management and conflict of interest prevention in 28 EU Member States. What follows is a 10-point synthesis of the examples of good practice extracted from the evidence gathered in this study. There is no doubt from this study that its key finding is that the EU 28 “map” of legislative provisions and practices governing risk assessment and management and conflict of interest prevention relating to match fixing is more a regulatory “patchwork” wherein there is a marked shortfall in the necessary resourcing and capacity of the entities which are charged with implementing and enforcing policy.

1. Regarding the national regulatory frameworks, it must be stressed that the identified rules and practices must be considered within their respective national context. This includes cultural, moral, and economic views of gambling and betting, which vary significantly across the 28 Member States. In addition, in many Member States it remains too early to measure to what extent the legislation is adequately flexible and responsive to the recent match fixing “crisis” in sport. In several instances, the gambling legislation was drafted and enacted in advance of the huge technological changes in betting markets (as seen in the developments in online and remote gambling and betting exchanges) and thus (statutory) cheating at gambling by way of match fixing remains an issue of legislative “catch up”. Moreover, even where the regulatory framework does offer appropriate tools, its deployment, in terms of active enforcement of these tools, is not always as effective as might be expected. In sum, this study suggests that the “map” of legislative provisions and practices governing risk assessment and management and conflict of interest prevention relating to match fixing is more a regulatory “patchwork” wherein there is a marked shortfall in the necessary resourcing and capacity of the entities which are charged with implementing and enforcing policy. Nevertheless, some positive trends and common principles can be identified. The UK and French models clearly come to the fore in this regard. They are the most comprehensive in terms of both risk assessment and management and the prevention of conflicts of interests and appear to have in place a realistic means of monitoring and enforcing breaches. Nevertheless, both the UK and French models do, however, place significant emphasis on, and must necessitate the significant resourcing of, the national gambling regulator.

Recommendation: Consideration of UK and French models as best (if resource intensive) practice with a view to establishing principles based best practice models across the EU 28.

2. There is no doubt the Member States are committed (both in regulatory and legislative terms) to national betting integrity programmes seeking to identify and isolate the risk of sports betting being corrupted either by the manipulation of the outcomes of sports events, or any element therein, or the misuse of inside information relating to that event. Good practice within the EU 28 tends to be collaborative in nature and includes formal means of dialogue and cooperation between sport governing bodies, betting companies, gambling regulators and law enforcement agencies. This collaborative approach assists in the development of what can be called an anti-corruption continuum of prevention, intervention and deterrence. In sum,

collaboration between the above stated four partners is vital in order to risk assess integrity threats (prevention); disrupt such threats (intervention); and/or apply the appropriate sanctions (in a prosecutorial manner if necessary) to those involved (deterrence). Equally however, it does appear from the evidence gathered in this study that there is a need at times both for sport and national agencies not to forget the wider context in which the fight against match-fixing occurs and including the prevention of money laundering activities by criminal syndicates, the protection of minors whom might be groomed for illegal betting purposes, the conflict of interests associated with sport's growing reliance on gambling operators for sponsorship and related TV advertising, and even the wider ethical and moral issues associated with irresponsible gambling.

Recommendation: At an EU level, the location of the match fixing integrity threat to sport must continue to be located within its wider economic and political context and including integration with policy approaches to the regulation of online gambling, the regulation of financial services and anti-money laundering initiatives.

3. Good practice within the EU 28 underpins the collaborative approach to sports betting integrity in four ways. First, memoranda of understanding between betting companies and sports bodies with the agreement to share information and intelligence in a timely and regular fashion on suspicious betting patterns. Second, a similar information sharing arrangement between betting companies and national gambling regulators as part of the condition of licence granted to that betting operator and sometimes including the right to refuse or even veto the offering of certain types of bets. Third, the coordination (in terms of the analysis of and response to the information gathered) by the national gambling regulator (and typically by a dedicated sports betting integrity unit within that national regulator). Fourth, the culmination of this process with a view to ascertaining whether there is any potential criminal activity involved.

Recommendation: The establishment of a social dialogue or sectorial dialogue initiative on match fixing in sport to promote and effectively contribute to the shaping of anti-match fixing discourse and policy in the future and to do so in a way that caters specifically for the sports sector in an autonomous and participative way.

4. From the evidence gathered, and particularly from the UK and French models, there is no doubt that the development in Member States of secure national betting integrity platforms, as part of the remit of national gambling regulators, will be crucial in addressing the match fixing threat to sport in the EU. The question of the adequate resourcing, staffing and the granting of necessary security clearance to process and investigate betting data is a matter for Member States, though some thought would have to be given as to how the EU might assist in capacity building at a national level given that specific betting integrity units within a gambling regulator would have to include personnel with the necessary expertise in forensic accounting, the betting industry, sports administration, the conduct of investigations of a quasi-criminal nature, etc. An EU funded training assessment might be necessary to ensure that gambling regulators have the necessary expertise "on site". It must be noted however that even the most effective sports betting integrity unit operating within a national gambling regulator is jurisdictionally confined in its remit to betting activity that relates to sports events occurring within that Member State or involving

parties within that Member State and/or betting activity that has been facilitated by a betting operator licenced by that national regulator. Accordingly, having a centralised conduit or platform through which information sharing can take place at a supranational level, will be crucial in addressing the match fixing threat to sport in the EU.

Recommendation: The initiation of an EU-funded training assessment of the capacity of existing national integrity services with a view to establishing whether the framework and capacity to sustain an EU wide platform of information exchange, currently exists.

5. There is a general recognition within the EU28 that, although a criminal sanction, and particularly a provision in a criminal code or statute dedicated specifically to “cheating at gambling”, is of necessary deterrent value; equally, however, pursuing such activities by way of a prosecutorial investigation may not always be the most effective approach (in terms of both the public interest to pursue and the resources that would need to be dedicated to such financial crime). In short, sports specific sanctions may sometimes be the more considered, timely and efficient approach.

Recommendation: although a matter for Member States, where absent, specific criminal sanctions should be considered for cheating at gambling.

6. In the leading sports within the EU28, anti-corruption or integrity regulations within sport are generally now of a very sophisticated and comprehensive standard and, at first instance, appear surrounded by the necessary administrative structures and compliance capacity in order to realise the regulatory objective and including means of liaising with national regulators and law enforcement agencies. Good administrative practice includes prevention programmes (risk management assessment and training programmes); information gathering tools such as a confidential, protected disclosures facility and including a single point of contact for the collection and processing of information; comprehensive investigative procedures and policies as accompanied by timely and proportionate disciplinary proceedings and sanctions. In sum, good practice in this area is reflected in an integrated and clearly defined betting integrity decision making framework.

Recommendations: Publication of a document or the provision of a portal or other web based facility to encourage the sharing of information. The former could consist of a publication entitled “Principles Based Guidelines for Sports Organisations in Combatting Match fixing” similar to that presented at the FIFA Congress in Brazil in June 2014 and entitled “Recommendations to Combat Match Manipulation; Guidelines for FIFA Member”. The publication could include a directory of contact points throughout the EU. A web based informational facility along the lines of Interpol’s Integrity in Sport initiative should also be considered. <http://www.interpol.int/Crime-areas/Integrity-in-Sport/Integrity-in-sport>

7. Central to the above regulatory response, outlined in point 6, are provisions within sporting bodies to determine if their respective competitions are at risk of potential match fixing or other related betting market manipulations. At its most basic, risk assessment here means

assessing the risk of the manipulation of the outcome of a game or competition for betting purposes and financial advantage. Many sports, and especially the larger better resourced sporting entities, have now entered into commercial arrangements with betting monitoring operators who in turn provide that sporting organisations with various detection methods and tools in order to assist in the early warning of potential match manipulation and/or data sets which can be used for the effective and subsequent investigation and sanctioning of persons associated with that manipulation. Greater consistency or even transparency on the criteria used in the betting monitoring industry as to the identification of “irregular” betting patterns which trigger such operators’ contractual objection to report to the relevant sports body, would assist greatly in the EU-wide fight against match fixing in sport. The setting of such “integrity” industry standards would necessarily demand the involvement of all relevant stakeholder drawn from sport, the betting industry, national regulators and law enforcement agencies.

Recommendation; Further research is needed into whether the “sports integrity industry” now needs to develop international standards aimed at bringing harmonisation in various technical areas and namely, established criteria on irregular betting patterns; investigatory standards and including cross border cooperation; enforcement and proportionality of sports specific sanctioning; and the protection of privacy and data both of a commercial and personal nature.

8. Central to the above regulatory response, outlined in point 6, are provisions by various sports that participants bound by their regulations should be prohibited from betting on, either directly or indirectly, their own sport. The trend within the EU 28 is to extend such a prohibition as widely as is practicable. For instance, in May 2014, the Football Association of England ratified new rules at its Annual General Meeting banning all professional footballers in England from betting on football matches from next season. The new rules apply to players in the top eight tiers of English football. Previously the English FA had banned players from betting on competitions only in which their club was involved. The new rules cover betting on all games around the world and (of particular note) including “football-related matters” such as transfers, managerial appointments and team selection.

Recommendations: Prohibitions on players betting on their own sport should also consider a ban on “sport-related matters”.

9. Widely drawn conflict of interest betting bans, as noted in point 8 above, are advantageous in terms of both the enforcement of associated disciplinary offences and also in terms of educating players. On the former it must be noted that a feature of this study is that enforcement rates of sports specific corruption sanctions, and particularly conflict of interest betting bans targeting players, appear to be extremely low. In this some note must be made of alternative approaches e.g., how widely drawn but easily understood regulations have in some sports been usefully and inexpensively reinforced by the introduction of so-called integrity declarations (e.g., FIFA circular no. 1378, 16 August 2013). Such integrity declarations appear to be an effective means of embedding awareness and compliance against match fixing. In the alternative, integrity declarations can also easily be integrated as a minimum requirement in contracts signed by professional sports participants and thus can further strengthen and clarify the legal basis for the

pursuit of those involved in or facilitating match fixing. As regards the education of players, widely drawn conflict of interest bans are advantageous in the sense that the delivery of the educational training and message to player can be equally straightforward i.e., the education message is simple: never bet on football.

Recommendations: Wider use of integrity declarations either as standard contractual clauses or prior to a major sporting event or tournament or declaration at the beginning of season.

10. The conflict of interest regulations noted above also typically include provisions prohibiting players from passing on inside information to a third party who uses it for betting. Definitions of inside information naturally vary according to sport but the general principle appears to be that inside information is any information that is not generally or publically available and which, if it were so available, would be likely to influence the betting market on the relevant event. Again enforcement of sanctions relating to such provisions appears low. Three factors which may assist the effectiveness of such inside information provisions include the following. First, in terms of the jurisdiction of sports specific regulations and sanctions, some wider consideration should be given to the definition of a relevant “third party” to whom a sports participant might advertently or inadvertently pass on inside information. The closest analogy here would be to the definition of “Athlete Support Personnel” and so called “entourage” offences under the latest (2015) version of the World Anti-Doping Code) and namely “any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an athlete participating in or preparing for sports Competition.” This definition would of itself, and by way of acting as a deterrent, widen the sphere of protection around a player. It is also a pragmatic view of the jurisdictional scope of sports specific regulations towards third parties. Second, it may also be useful in terms of the targeted (and resource efficient) investigation and enforcement of anti-corruption regulations, specifically to provide in such regulations that the player’s actions were carried out with the intention of directly obtaining personal financial advantage or indirectly financially advantaging another. Third, (and again from the evidence gathered in this study) an aspect of the enforcement of such anti-corruption regulations that is underused is the enforcement of provisions which place players under an express duty to report betting manipulation approaches.

Recommendations: greater use of entourage and duty to report offences; investigatory stress on incidents of betting manipulation or the passing of inside information which leads to the financial advantage of the player or another related party.

ANNEXES

ANNEX I NATIONAL CORRESPONDENTS

Austria	Christian Pangerl	Specht Böhm Rechtsanwalt, Vienna
Belgium	Research team	
Bulgaria	Plamena Georgieva	Attorney at law, Senior associate, Dimitrov, Petrov & Co, Sofia
Croatia	Krunoslav Štengl	Attorney at law, Zagreb
Cyprus	Dr. Nicos Kartakoullis	School of Business, University of Nicosia
Czech Republic	Dr. Pavel Hamernik	Institute of State and the Law, Czech Academy of Sciences
Denmark	Prof. Dr. Jens Evald	Juridisk Institut, Århus Universitet
Estonia	Kaisa Kirikal	Eesti Olümpiakomitee, Tallinn
Finland	Anette Alén-Savikko and Dr. Taina Pihlajarinne	Institute of International Economic Law, University of Helsinki
France	Research team	
Germany	Dr. habil. Martin Stopper	Rechtsanwälte, Partner Lentze Stopper, München
Greece	Petroula Lisgara	T.M.C. Asser Institute/Europol, The Hague
Hungary	Dr. Péter Rippel-Szabó	Attorney at law, Associate, Bird & Bird, Budapest
Ireland	Research team	
Italy	Research team	
Latvia	Līga Mence	Attorney at law, Loze & Partners, Riga
Lithuania	Salomeja Zaksaitė	Mykolas Romeris University, Vilnius
Luxembourg	Jean-Luc Schaus	Attorney at law, Partner, Pierre Thielen Avocats, Luxembourg
Malta	Dr. Jeanine Rizzo	Attorney at law, Associate, Fenech & Fenech Advocates, Valletta
The Netherlands	Research team	
Poland	Jan Lukomski	Faculty of Law, Adam Mickiewicz University, Poznan
Portugal	Prof. Alexandre Libório Dias Pereira	Faculty of Law, University of Coimbra
Romania	Gelu Goran	Partner, Biris Goran SPARL, Bucharest
Slovakia	Dr. Jozef Čorba	University of Pavel Jozef Šafárik, Kosice
Slovenia	Blaž Bolcar	Lawyer, Law Office Bolcar, Nova Gorica
Spain	Lucas Ferrer	Attorney at Law, Pintó Ruiz & Del Valle, Barcelona
Sweden	Michael Plogell and Erik Ullberg	Attorney at law, Partner/Senior Associate Wistrand Advokatbyrå, Göteborg
United Kingdom	Research team	

ANNEX II REGULATORS

Austria	Österreichischer Fußball-Bund
Belgium	Belgian Gaming Commission
Bulgaria	State Commission on Gambling
Croatia	Ministry of Finance, Tax Administration
Cyprus	National Betting Authority
Czech Republic	Ministry of Finance, Gambling and Lottery Supervision Department
Denmark	Danish Gambling Authority
Estonia	Ministry of Finance
Finland	Ministry of Education and Culture
France	French Online Gaming Regulatory Authority
Germany	/
Greece	/
Hungary	Ministry for National Economy, Department of Tax and Customs Administration
Ireland	Department of Transport, Tourism and Sport
Italy	Autonomous Administration of State Monopolies
Latvia	Lotteries and Gambling Supervisory Inspection
Lithuania	Department of Physical Education and Sports
Luxembourg	Ministry of Justice
Malta	Lotteries and Gaming Authority
The Netherlands	Gaming Control Board
Poland	/
Portugal	Santa Casa da Misericórdia de Lisboa
Romania	National Office for Gambling
Slovakia	Ministry of Finance
Slovenia	Ministry of Finance
Spain	Directorate General for Gambling Regulation
Sweden	Swedish Gambling Authority
United Kingdom	The UK Gambling Commission

ANNEX III QUESTIONNAIRE NATIONAL CORRESPONDENTS

Questionnaire to Country Experts of all EU 28 Member States

**Study on risk assessment and management & prevention of
conflicts of interest in the fight against betting-related match
fixing in EU 28
(EAC/16/2013)**



1. Purpose of the study and the questionnaire

This study aims to map the situation in the EU 28 Member States as regards risk assessment and management and conflict of interest prevention, by identifying existing regulatory and self-regulatory measures as well as analysing existing bilateral and multilateral arrangements aimed at cross-border cooperation and enforcement. It will also describe how the identified different rules are enforced at national and cross-border level and it will draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.

To identify and assess arrangements governing risk assessment and management and conflict of interest prevention that are applicable either by way of regulation or self-regulation by international and national sports organisations or betting operators, the research team is working with different questionnaires. A first questionnaire, which focuses on regulatory instruments, has already been distributed to the gambling regulators of all EU 28 Member States.

This questionnaire focuses on self-regulatory measures adopted by national sports governing bodies in your country (and, to a lesser extent, on the national sports governing bodies' role in the formation and communication of applicable regulatory measures).

2. General instructions

The study covers three sports in each EU Member State, notably football, tennis, and a selected third sport. Consequently, this questionnaire consists of three parts in which the same set of questions is repeated for the three sports.

Given the focus on the applicable self-regulatory framework of the national sports governing bodies and its enforcement in your country, it is unnecessary to discuss applicable regulations adopted by the European or international sports governing body (except when these are directly relevant to the application of complimentary national rules and practices).

For some questions, it might be necessary to contact the respective national sports governing body for certain information. Please make a clear distinction in your questionnaire report between legal and factual information and stakeholders' views.

Section 1. Existence, scope, and rationale of preventive rules and practices

The goal of section 1.1 is to identify rules and practices governing conflict of interest prevention that are issued by the national sports governing body (SGB) of football.

Conflict of interest refers to preventive self-regulatory measures such as:

- *betting bans for certain people / categories of people;*
- *prohibitions on the disclosure of inside information;*
- *limitations or prohibitions regarding sponsorship or other commercial partnerships with betting operators.*

The goal of section 1.2 is to identify the role of the national SGB of football, if any, in the formation of regulatory rules and practices governing risk assessment and management.

Risk assessment and management refers to situations where bets on a given sporting event are prohibited (e.g. competitions involving minors) or where the betting offer is restricted by the

regulator or the operator in relation to a given sport or competition (e.g. prohibition of live bets, negative bets (e.g. yellow cards or penalties) or bets on partial results of a game).

Section 1.1 Conflict of interest prevention

Q1.	<p>Please list all current (or planned) rules / practices governing conflicts of interest in relation to sports betting (to be) adopted by the national SGB, either individually or jointly with other stakeholders (e.g. competent authorities and/or betting operators).</p> <p>Please provide a copy of relevant regulations (or, if available, please make reference to a web link) and translate the most relevant provisions in English.</p>
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Q2.	<p>If certain people/categories of people are prohibited from betting on sports events or from disclosing inside information, what is the scope of the people/categories of people (e.g. players, referees, club owners, family members)?</p>
a)	Do these rules/practices extend beyond the sports events in which the person takes part and/or beyond the sports discipline in which the person is engaged?
b)	What constitutes “insider information” under these rules/practices?

Q3.	<p>If certain limitations or prohibitions exist regarding sponsorship or other commercial partnerships with betting operators, please explain in detail the scope and rationale of these limitations?</p>
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Q4.	<p>Do player contracts include provisions governing conflict of interest in relation to sports betting?</p>
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Q5.	<p>What are the applicable sanctions for breaches of the identified SGB’s rules?</p>
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Section 1.2 Risk assessment and management

Q6.	<p>Are there any rules and practices that restrict / exclude certain sports events from the betting offer in your country? Yes/No.</p> <p>If so please:</p>
a)	Explain whether the national sports governing body is involved in determining the authorized list of sports events.
b)	Explain whether the national sports governing body is involved in determining whether and how the authorized list should be revised?

Section 2. Communication of preventive rules and practices to relevant stakeholders

The goal of this section is to gain a clear understanding of how the specific preventive rules and practices against betting-related manipulation of sports events (i.e. risk assessment and management, conflict of interest), identified in Section 1, are communicated respectively by and to national SGBs.

Section 2.1 Conflict of interest prevention

Q7.	Are the preventive rules and practices governing conflict of interest, as identified in Section 1, communicated between relevant stakeholders at the national level? Yes/No.
a)	If so, how are they communicated by the national SGB?
b)	If so, to whom (e.g. national authorities, gambling regulators, betting operators, etc.) are the preventive rules and practices communicated?
c)	Are there any formal instruments (e.g. memorandums of understanding with the betting industry, internal sport regulations) that establish the requirement for or facilitate the communication of, the rules and practices?
d)	Are there any other informal instruments of communication, not previously identified, that are used in the prevention of the manipulation of sports events?

Q8.	Are the preventive rules and practices governing conflict of interest, as identified in Section 1, communicated between relevant stakeholders in other EU Member States? Yes/No.
a)	If so, how are they communicated by the national SGB?
b)	If so, to whom (e.g., national authorities, gambling regulators, betting operators, etc.) are the preventive rules and practices communicated?
c)	Are there any formal instruments (e.g. memorandums of understanding with the betting industry, internal sport regulations) that establish the requirement for or facilitate the communication of, the rules and practices?
d)	Are there any other informal instruments of communication, not previously identified, that are used in the prevention of the manipulation of sports events?

Section 2.2 Risk assessment and management

Q9.	Are the preventive rules and practices that restrict / exclude certain sports events from the (sports) betting offer being communicated to the national SGB and its members? Yes/No.
a)	Who initiates this communication?
b)	To whom are the rules and practices communicated?
c)	Are there formal instruments (e.g. memorandums of understanding or legislation) that establish the requirement for or facilitate the communication of the rules and practices?
d)	Are there any other informal instruments of communication, not previously identified, that are used?

Section 3. Actual enforcement of preventive rules and practices

The goal of this section is to identify and assess how effectively and efficiently the preventive rules and practices governing conflict of interest, as identified in Section (1), are enforced respectively by the national SGB?

Q10.	As regards rules and practices issued by the national SGB, what is the number of detected breaches between 2010 and 2013?
a)	What action is taken regarding detected breaches?

Q11.	Are law enforcement agencies (e.g., police, prosecutors) involved in the enforcement of rules? Yes/No.
a)	Where infringements of the rules are recorded by law enforcement authorities, what is the number of detected breaches between 2010 and 2013 and what action has been taken regarding these detected breaches by the national SGB?

ANNEX IV QUESTIONNAIRE REGULATORS

Questionnaire to Gambling Regulators of all EU 28 Member States

Study on risk assessment and management & prevention of conflicts of interest in the fight against betting-related match fixing in EU 28

(EAC/16/2013)



Study on the sharing of information and reporting suspicious betting activity in EU 28

(EAC/17/2013)



PART A – Study on risk assessment and management and prevention of conflicts of interest in the prevention and fight against betting-related match fixing in the EU 28 (EAC/16/2013).

The study will map the situation in the 28 EU Member States as regards risk assessment and management and conflict of interest prevention, by identifying existing regulatory and self-regulatory measures as well as analysing existing bilateral and multilateral arrangements aimed at cross-border cooperation and enforcement. It will also describe how the identified different rules are enforced at national and cross-border level and it will draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.

Section 1. Existence, scope, and rationale of preventive rules and practices

The goal of section 1.1 is to identify rules and practices governing risk assessment and management applicable in your country. Risk assessment and management refers to restrictions imposed on the types of sports bets offered.

The goal of section 1.2 is to identify rules and practices governing conflict of interest prevention applicable in your country. As regards, conflict of interest refers to restrictions imposed on certain people / categories of people.

Section 1.1 Risk assessment and management

Q1.	Are there any rules or practices that are used to assess and manage risks associated with the manipulation of sport competitions? Yes / No.
a)	If so, please: identify the specific legislation or rules and/or practices.

Q2.	Are there rules or practices that restrict / exclude certain sports events from the betting offer? Yes/No.
	If so, please:
a)	Identify these restrictions / prohibitions and to which certain sports events they apply.
b)	Explain the justifications for these restrictions / prohibitions.
c)	Explain on the basis of which criteria the list of sports events (subject to these restrictions / prohibitions) is being determined. If based on evidence, please indicate what type of evidence.
d)	Explain whether the list of sports events (subject to these restrictions / prohibitions) is fixed or subject to revision. If it is an evolving list, who determines whether and how the list should be revised?

Q3.	Are there any rules or practices that restrict / exclude certain types of sports-related bets ? Yes/No.
	If so, please:
a)	Identify these restrictions / prohibitions and to which types of sports-related bets they apply.
b)	

c)	Explain the justifications for these restrictions / prohibitions.
d)	Explain on the basis of which criteria the list of types of bets (subject to these restrictions / prohibitions) is being determined. If based on evidence, please indicate what type of evidence. Explain whether the list of types of bets (subject to these restrictions / prohibitions) is fixed or subject to revision. If it is an evolving list, who determines whether and how the list should be revised?

Q4.	Are there any other rules or practices not previously identified, that are used in the prevention of the manipulation of sports events? Yes/No.
a)	If so, please list such rules or practices.

Section 1.2 Conflict of interest prevention

Q5.	Are certain people/categories of people in your jurisdiction prohibited from placing bets on sports ? Yes/No.
a)	Are there restrictions / prohibitions set in a regulatory framework (including measures by national gambling authorities) and/or in a self-regulatory framework (by betting operators or (international) sports organisations)? <u>Only in case restrictions / prohibitions are set in a regulatory framework, please</u>
b)	Identify these restrictions / prohibitions (and the legal basis thereof) and to which sports disciplines they apply.
c)	Explain the justifications for these restrictions / prohibitions.
d)	Explain the scope of the people/categories of people concerned (e.g. betting operators' owners and employees, players, referees, coaches, club owners and employees, family members)?
e)	Explain on the basis of which criteria the list of certain people/categories of people (subject to these restrictions / prohibitions) is being determined. If based on evidence, please indicate what type of evidence.
f)	Explain whether the list of certain people/categories of people (subject to these restrictions / prohibitions) is fixed or subject to revision. If it is an evolving list, who determines whether and how the list should be revised?
g)	As regards to athletes and sport officials, please explain whether the rules/practices extend beyond the sport events in which the person takes part and/or beyond the sport discipline in which the person is engaged?

Section 2. Communication of preventive rules and practices to relevant stakeholders

The goal of this section is to gain a clear understanding of how the specific preventive rules and practices against betting-related manipulation of sports events (i.e. risk assessment and management, conflict of interest), identified in Section 1, are communicated respectively.

	<u>Relative to risk assessment and management:</u>
Q6.	Are the preventive rules and practices, identified in Section 1, communicated to relevant stakeholders at the national level (Yes/No) and/or the international level (Yes/No)?
a)	Who initiates this communication (e.g. sports organizations, national authorities, gambling regulators or betting operators, etc.)?
b)	To whom are the rules and practices communicated?
c)	Are there any formal instruments (e.g. memorandums of understanding with the betting industry, internal sport regulations or legislation) that establish the requirement for or facilitate the communication of, the rules and practices?
d)	Are there any other informal instruments of communication, not previously identified, that are used in the prevention of the manipulation of sports events?

	<u>Relative to conflict of interest prevention:</u>
Q7.	Are the preventive rules and practices, identified in Section 1, communicated to relevant stakeholders at the national level (Yes/No) and/or the international level (Yes/No)?
a)	Who initiates this communication (e.g. sports organizations, national authorities, gambling regulators or betting operators, etc.)?
b)	To whom are the rules and practices communicated?
c)	Are there any formal instruments (e.g. memorandums of understanding with the betting industry, internal sport regulations or legislation) that establish the requirement for or facilitate the communication of, the rules and practices?
d)	Are there any other informal instruments of communication, not previously identified, that are used in the prevention of the manipulation of sports events?

Section 3. Actual enforcement of preventive rules and practices

The goal of this section is to identify and assess how effectively and efficiently specific rules and practices identified in Section (1) and (2) are enforced in your country.

	<u>Relative to risk assessment and management:</u>
Q8.	Are the preventive rules and practices being enforced? Yes/No.
a)	What is the legal basis for enforcement?
b)	Who is responsible for enforcement?

c)	How is this enforcement effected or implemented?
d)	How could this enforcement be improved? Please explain and provide examples.

Q9.	<u>Relative to conflict of interest prevention measures that are set out in a regulatory framework:</u>
a)	Are the preventive rules and practices being enforced? Yes/No.
b)	What is the legal basis for enforcement?
c)	Who is responsible for enforcement?
d)	How is this enforcement effected or implemented?
	How could this enforcement be improved? Please explain and provide examples.

Section 4. Existence of arrangements aimed at cross-border co-operation and enforcement with (other) EU-28 gambling regulators

The goal of this section is to identify any cross-border co-operation or arrangements that are aimed at helping with enforcement of preventive measures against betting-related manipulation of sports competitions, (e.g. memorandums of understanding with the gambling industry across the EU, cross-border sport regulations or extra-territorial legislation).

Q10.	Regarding communication, are national authorities, national gambling regulators, betting operators and sports organisations in other EU Member States informed about the preventative rules and practices of your country as identified in Sections (1), (2) and (3)?
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Q11.	Regarding enforcement, please identify possible practical and/or legal obstacles to the enforcement of the preventative rules and practices, as identified in Sections (1), (2) and (3), across borders.
a)	If so, please identify practices and tools that have been or could be helpful in addressing these obstacles?

PART B – Study on the sharing of information and reporting of suspicious sports betting activity in the EU 28 (EAC/17/2013).

The study will identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information and reporting of suspicious sports betting activity, involving sports organisations, betting operators, gambling regulators, providers of betting monitoring mechanisms and other relevant national authorities in the 28 EU Member States. It will describe the role and tasks of relevant stakeholders in relation to suspicious sports betting activity and identify arrangements ensuring exchange of knowledge and intelligence about suspicious sports betting activity. It will also draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.

Section 5. Existence of regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

The goal of this section is to identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information as well as reporting of suspicious sports betting activity.

Q12.	Are there regulatory provisions for the collection, processing and sharing of knowledge and information regarding suspicious sports betting activity in your country? Yes/no
a)	If so, please identify and describe the specific legislation and/or (self-regulatory) rules and/or practice.
b)	How do you or other relevant stakeholders (e.g. sport organisations and betting operators) decide if sports betting activity is considered suspicious? When answering please describe: <ul style="list-style-type: none"> - Do procedure(s) and/or criteria to decide whether sports betting activity is considered suspicious exist? If so please describe them. - Are the procedures/criteria based on specific legislation or (self-regulatory) rules and/or practice? If so, please identify and describe. - Are the procedures/criteria the same for all kinds of betting activity and for all sports? If not identify and explain the differences.

Q13.	Are there any regulatory obligations for sports organisations, betting operators, gambling regulators or other relevant stakeholder to submit information concerning suspicious sports betting activity?
a)	If so, please identify and describe the specific legislation or (self-regulatory) rules and/or practice.
b)	Does this information include personal data (names, addresses, credit card numbers, etc.) of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour? Yes/No?
c)	If so, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)

Q14.	Are you aware of whether the shared information has led to any type of follow up actions?
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a)	If yes, what type of action and how often??
b)	Are you aware of whether the shared information has led to formal investigations of cases in your country?
c)	If so, please list the number of investigations and if possible the cases.

Section 6. Role and task of national authorities in sharing of information

The goal of this section is to describe the role and tasks of national authorities (including gambling regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators in relation to suspicious sports betting activity, including the collection and storing of relevant data

Q15.	Who are sports organisations or betting operators obliged to inform (public authorities, national/international sports associations, betting operators, (inter)national law enforcement authorities, etc.) and what kind of information do they exchange, collect and store?
a)	On what basis are they obliged to inform others and exchange information (e.g. legally binding agreements between sports organizations, betting operators and gambling regulations or self-regulatory measures, established by the industry, or memoranda of understanding, etc.)
b)	
c)	Are the recipients of the information equally obliged to inform about the measures taken as a follow-up to the information received? Yes/no
d)	If so, which are the modalities for the implementation of this obligation (law, regulation, code of conduct? In writing, public notification, at meetings?)?
	What is the involvement/role of national authorities (gambling regulators, police, public prosecutors, judicial bodies, etc.) with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity?

Q16.	In particular, are sports organisations, betting operators and gambling regulators required to pass on the information on suspicious sport betting behaviour to national authorities? Yes/No
a)	If so, what kind of information and in what stage?

Section 7. Exchange of knowledge and intelligence at EU and international level

The goal of this section is to identify arrangements at EU and international level (bilateral or multilateral arrangements) that ensures exchange of knowledge and intelligence about suspicious sports betting activity.

Q17.	Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, police, public prosecutors, judicial bodies, etc.), sports organisations and betting operators) at <i>cross-border level</i> ?
a)	If so, please specify the type of information and knowledge shared?

b)	<p>When answering please:</p> <ul style="list-style-type: none"> - Specify the instruments used - Describe how data protection issues are dealt with under these arrangements <p>Are there any (self-)regulatory arrangements at international level that allow for exchange of information about detected suspicious sporting/betting behaviour?</p>
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Q18. a)	<p>Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, betting operators) at <u>international level</u>?</p> <p>If so, please specify the type of information and knowledge shared?</p> <p>When answering please:</p> <ul style="list-style-type: none"> - Specify the instruments used - Specify how data protection issues are dealt with under these arrangements
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Q19. a) b)	<p>Are there any problems in the sharing of information cross-border and internationally concerning suspicious sports betting activity?</p> <p>If so, please list and describe. Please take into account whether the reasons are mainly legal (e.g. data protection issues) or operational (lack of coordination and of exchange of information).</p> <p>How could the exchange of information be improved? Please explain and provide examples</p>
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Q20.	<p>What role could the EU institutions play to improve the exchange of information bilaterally and internationally?</p>
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